

1
2
3 IN RE THE PUBLIC HEARING OF)
4 THE CALFED BAY-DELTA PROGRAM)
5 _____)
6
7
8
9

ORIGINAL

10 TRANSCRIPT OF PROCEEDINGS

11 UC Cooperative Extension


12 420 South Wilson Way

13 Stockton, California 95205
14

15 Wednesday, May 27, 1998 at 7:00 p.m.
16
17
18
19

20 REPORTED BY: SUSAN PORTALE, CSR NO. 4095, RPR, CM
21
22

23
24 PORTALE & ASSOCIATES DEPOSITION REPORTERS
25 211 East Weber Avenue
Stockton, California 95202
(209) 462-3377



PORTALE & ASSOCIATES (209) 462-3377

C - 0 1 0 0 0 8

BOARD MEMBERS:

LESTER SNOW, Executive Director

ROBERT POTTER, Department of Water Resources

JAN STEVENS, Hearing Officer

ROGER PATTERSON, Designated Federal Official

A.J. YATES, California Department of Food and

Agriculture

JULIE TUPPER, U.S. Forest Service

WALTER YEP, U.S. Army Corps of Engineers

---oOo---

PORTALE & ASSOCIATES (209) 462-3377

C - 0 1 0 0 0 9

C-010009

1 (All parties present, the following proceedings were
2 had at 7:30 p.m.:)

3

4 THE HEARING OFFICER: The first three
5 speakers that you have here are Morris Allen, John Herrick
6 and Bill Koster.

7 Would you please come up and speak in that
8 order.

9 MORRIS ALLEN: Thank you very much for the
10 opportunity to you address the Calfed organization.

11 The City of Stockton is presenting a written
12 statement tonight and what I'm going to do is just
13 summarize that real briefly for the benefit of those who
14 are waiting to speak after me.

15 We do want to commend Calfed both for the time
16 and effort involved in preparing this very extensive
17 document and series of documents and also for coming to
18 Stockton to allow the citizens of Stockton and the region
19 to address you.

20 Stockton is very much interested in the Calfed
21 Program and the various processes. The City of Stockton is
22 in the Delta. Half of the City of Stockton is in the
23 legally defined Delta and the rest of the City is adjacent
24 to the Delta so we are really a part of your problem and
25 program.

1 The City does commend you, also, for the
2 common elements that are in your program. That's a very
3 good way of proceeding with this.

4 The City does concur with those common
5 elements.

6 But we do have some concerns. I'd like to
7 share those with you, just the highlights.

8 We are concerned that no program or element in
9 the Calfed process has assessed or considered the City of
10 Stockton's contribution to identify the Delta problems,
11 such as dissolve oxygen in the various sloughs and the
12 San Joaquin River, stern water runoff, quack, toxicity and
13 so forth.

14 We are also very much concerned with the
15 management in the quality of the water flows in the San
16 Joaquin River. None of the alternatives of the
17 sub-alternatives address the quality in the San Joaquin
18 River. We feel this is a significant omission since the
19 San Joaquin River is a part of Delta and has a major impart
20 on the Delta.

21 Further, the flow reductions that are
22 contemplated in sub-alternative 3-i we feel will very
23 significant will I adversely affect the water quality of
24 the San Joaquin River and that this is really a counter to
25 the expressed objective of Calfed itself.

Page 5

Page 7

Also, the draft EIR/EIS does not address the impacts of various measures on water supply concerns of the Stockton metropolitan region. Specifically, the impact of the use of the Stanislaus River for dilution of upstream pollution on the San Joaquin River and also the use of the eastern San Joaquin County groundwater basin for offstream storage, which you feel has tremendous potential.

Also, there seems to be no reference in any Calfed process to the need to adhere to existing State Water Code provisions dealing with Delta, area of origin, county of origin, watershed of origin protection. You've already heard that expressed in other areas.

We feel that in order to protect the interests of all regions of the State that all of these laws need to be taken into consideration and adhered to very strictly.

You also heard a comment about transformation of existing Delta lands which are currently in agricultural production and converting those to non-agricultural uses. We feel that if these impacts are implemented it will have a very significant economic impact on Stockton.

I see my time is up so you can read the rest of my statement. Thank you.

THE HEARING OFFICER: That was perfectly timed.

Thank you very much, Mr. Allen, and your

meet these two requirements.

We don't see how you can propose an alternative that suggests moving water outside of the Delta and not through it, how you can meet those statutes.

I don't think you could propose alternatives if they are contrary to the law.

The conversion of 150,000 acres or whatever it is to agricultural lands appears to be just a redirection of impacts.

The consensus certainly is -- well, not the consensus -- the projects certainly take, which means kill numerous amounts of fish so if you have to release more water or set aside lands in the Delta that's redirecting the effect.

We don't think any alternative could be proposed that contemplates a decrease in the water quality of the South Delta and that's what is happening here.

Again, we don't believe the San Joaquin River issues are being addressed. There is a lack of emphasis on new water supply. And transfers unduly burden third parties not interested in the transfer.

I know that's a whole lot. We'll be submitting written comments and again our Director will be talking. Thank you very much for your time.

THE HEARING OFFICER: Appreciate that.

Page 6

Page 8

statement will certainly be considered carefully.

I take it we have Mr. John Herrick of the South Delta Water Agency.

JOHN HERRICK: Yes, thank you very much.

Other Directors and Alex Hildebrand will be talking and I'll let them join in other people's comments as they come forward.

I'd like to say that the primary objectives and the solution principles talk about reducing the mismatch between Bay-Delta water supplies and future uses. It talks about the solutions must be equitable and billing consensus.

It's our experience that whenever somebody is trying to find an equitable solution that means they are not following the existing laws or they don't want to be the once that give up anything.

The Delta Protection Act states, California recognizes that the maintenance of an adequate water supply in the Delta for agriculture and other beneficial uses is necessary to the health welfare of the state.

Section 1202 says the project shall provide salinity control and "an adequate water supply for the users of water" in the Delta.

They are supposed to maximize under 2205 -- excuse me -- 12205 maximize storage releases to

Mr. Koster, Bill Koster, San Joaquin Farm Bureau.

BILL KOSTER: Yes.

I'm here as President of San Joaquin Farm Bureau representing over 5,000 membered families and businesses of San Joaquin County.

San Joaquin Farm Bureau Federation strongly opposes the current Calfed plan for some of the following reasons:

San Joaquin County agriculture accounts for close to 1.5 billion dollars in direct farm revenue. Removal of agricultural land from production will only increase unemployment, increase the demand for Social Services and severely impact businesses and industries that rely on agriculture.

In our county over 30 percent of all the jobs rely on agriculture and its related businesses.

The large scale retirement and conversion of prime and productive agricultural land from food and fiber production to other uses will have a devastating impact on our community, the economy of San Joaquin County and many parts of California.

The Calfed EIR efforts to date have failed to address these impacts. The State and local governments and the regional economy.

Page 9

Page 11

1 The reallocation of substantial amounts of
2 water away from agriculture as an alternative in creating
3 adequate and much needed surface water storage facilities
4 will severely affect and threaten the future of California
5 water.

6 Storage and conveyance facilities should be the
7 key elements in the current Calfed plan.

8 Surface water storage will provide flood
9 control benefits and to ensure the protection of the
10 precious groundwater by alleviating the need for pumping
11 groundwater.

12 Farmers and ranchers are not guaranteed under
13 Calfed that their surface or groundwater rights will be
14 strengthened or even protected. Much the ag land targeted
15 for conversion and other uses has riparian pre-1914 water
16 rights. This is unacceptable. And I see that my time is
17 almost up so I'll skip a paragraph.

18 We oppose the plan that will be devastating
19 and damaging to agriculture as this plan is. There is any
20 little benefit to agriculture as it is right now.

21 We need storage for urban uses. We need
22 storage for environmental uses and this -- the state's
23 going to grow. The growth is going to be there, so storage
24 is the key answer here. And we are opposed to the
25 Peripheral Canal or isolated facility or whatever they want

1 consideration of using our underground water as a new added
2 water supply for the State of California.

3 Our under groundwater supply is stable at
4 present extraction, but prior to the CVP water supply in
5 the early '50's the underground was being overpumped with
6 resulted of pumping depth and diminished water quality.
7 The Del Puerto Board feels this healthy underground water
8 is our ace in the hole in low CVP water allocation years.

9 The Del Puerto Water District is unanimous in
10 stating a need for water storage in California, north,
11 south, onstream and offstream, and the Board feels this is
12 the paramountcy in providing infrastructure for future
13 growth in California and present survival of California
14 agriculture. Respectfully, Clifford W. Koster.

15 Thank you.

16 THE HEARING OFFICER: Thank you very much,
17 Mr. Koster.

18 Mr. Ohm, have I got that right?

19 PETER OHM: Yeah.

20 We live and farm on Roberts Island. This canal
21 you talk about would cut Roberts Island in two pieces. In
22 the event of a flood water would impound against the canal.
23 You would be building and creating a 25,000 acre lake.

24 The Delta is a tidal basin that depends on the
25 tides to wash it clean twice every 24 hours.

Page 10

Page 12

1 to call it. And we are opposed to the conversion of prime
2 farm land in San Joaquin County.

3 Thank you.

4 THE HEARING OFFICER: Thank you, Mr.
5 Koster.

6 I have three more names. Clifford Koster,
7 Peter Ohm and Rogene Reynolds, and there are two chairs up
8 here for the other two if you'd like to use them while
9 waiting to address the group. Appreciate it.

10 You must be Mr. Koster. Any relation to Bill
11 Koster?

12 CLIFFORD KOSTER: He is our youngest son.

13 My name is Clifford W. Koster, 35499 South
14 Koster Road, Tracy. I'm Board Chairman of Del Puerto Water
15 District, 45,000 acres farmland starting west of Tracy
16 extending 50 miles south to Santa Nella and parallel to the
17 Delta Mendota Canal on I-5.

18 The Del Puerto Water District provides federal
19 water to a large percentage of its lands to growing farm
20 crops. After two consecutive 25 percent Federal water year
21 allocations and more reliable water supply is needed. We
22 have never fully recovered from those 25 percent years,
23 plus the 40 percent and the 50 percent allocation.

24 Therefore, we as a Board advocate Calfed alternative 3.

25 The Del Puerto Board objects to the

1 If this water is so bad, why has the State and
2 the Federal Government been pumping for over 30 years?
3 This canal would be the end of the greatest tidal basin on
4 the West Coast. You say you will only put 15,000 cubic
5 feet a second through this concrete ditch. What's to stop
6 you from putting pumps in and increasing it to 40 or 50,000
7 cubic feet a second?

8 We landowners -- I've got too many pages here.
9 I'm wasting time, too.

10 THE HEARING OFFICER: Be sure and give
11 them to us. If you've got it written down we'll take it.

12 PETER OHM: -- on the Delta what has
13 happened, this is the old Peripheral Canal in a rerun.

14 There is nothing in this Bay-Delta for
15 agriculture. The most dominant business that there is in
16 this Delta. This is a monopoly by the State and Federal
17 Agency to give all Delta water to Metropolitan Water
18 District, and we the people will pay for it as we have
19 already before.

20 You should remember 1977 and 78 when there was
21 no water to keep the salt from coming to the Port of
22 Stockton.

23 I'm surprised our Governor was willing to sit
24 down with the ex-Governor to bargain our rights away in a
25 closed meeting with the Bureau of Reclamation, as they both

Page 13

1 are exporters of water of the Delta.
 2 This thing is a closed deal. The Committee,
 3 the Bureau of Reclamation and the Governor are to decide
 4 who's ox is to be cored. It looks like the whole committee
 5 is paid for by Metropolitan Water District.
 6 They are already moving the desert up the
 7 eastern slope of the Sierra all the way to Mono Lake.
 8 There will be no end to the amount of water Met will want
 9 from Northern California.
 10 It will end up a dust bowl like the Owen Valley
 11 Lake. The best way to get more water and better water is
 12 dredge the south fork of the Mokelumne River, bring water
 13 threw at a higher level to the pumps through existing
 14 channels.
 15 I thank you.
 16 THE HEARING OFFICER: Thank you.
 17 Okay. The story will be part of the record.
 18 Thank you. Miss Reynolds.
 19 ROGENE REYNOLDS: Thank you.
 20 I have read almost all the EIR. I've been
 21 spending two weeks on it and in response to the
 22 Congressman's comments, I have a very poor level of comfort
 23 with the document.
 24 I'm going to speak briefly about the economic
 25 impacts as they were analyzed minimally. The figures used

Page 14

1 to evaluate the economic impacts to various regions are
 2 wrong. And they are wrong in a way that underestimates the
 3 true impact of these true alternatives on the Delta and San
 4 Joaquin County, in particular.
 5 For the record, the value of San Joaquin County
 6 crops exceeded 1.4 billion dollars in 1997. The economic
 7 multiplier (page 8.1-14 of the Draft) which was used to
 8 determine the value of agricultural income is wrong. The
 9 study use a figure of 3.2. In other words, for every one
 10 dollar of ag income, 3.2 dollars is the value of that
 11 dollar as it ripples out through the local economy.
 12 Experts will tell you that in the county, the
 13 economic multiplier is between 5 and 7.
 14 Therefore, this study has severely
 15 underestimated the value of our agricultural production
 16 dollar to the county as a whole.
 17 Secondly, for some reason in this economic
 18 analysis Stockton was divided between two zones: 46
 19 percent Delta and fifty-four percent Central Valley. By
 20 doing this, the true costs to Stockton and the Delta region
 21 are distorted. Impacts on San Joaquin County as a whole
 22 would be a better way to obtain a true understanding.
 23 Three, impacts on jobs seem to be limited to
 24 reduction in farm labor. A better analysis of this impact
 25 would be to acknowledge the many highly skilled jobs that

Page 15

1 are affected by any plan to retire land from production:
 2 airplane and helicopter pilots, heavy equipment operators,
 3 laboratory technicians, engineers, soil scientists,
 4 insurance carriers, and finance experts, biologists,
 5 entomologists, computer technical support, et cetera.
 6 Farming has become a highly technical business,
 7 but this report does not acknowledge either the true value
 8 of the crops nor the people that make this industry such a
 9 huge success in this county.
 10 Four, finding number 8.6.2.7 (page 8.6-16)
 11 regarding "Potentially Significant Unavoidable Impacts"
 12 reads as follows:
 13 No significant economic impacts are expected.
 14 This EIR/EIS should be challenged on the very fact that
 15 this economic analysis is completely unreliable, and until
 16 it has been satisfactorily revised cannot be used on which
 17 to base any further decision making.
 18 Further comments will be submitted in writing,
 19 and there'll be big. And this is to anybody in this room
 20 who is younger than 30 years old. You are going to be back
 21 here in 20 years. This button is 19 years old (indicating)
 22 Thank you.
 23 THE HEARING OFFICER: Thank you, Miss
 24 Reynolds.
 25 We are now going to hear from three more

Page 16

1 people. Mike Robinson, Heather Robinson and Scott Heath.
 2 Please come up.
 3 MIKE ROBINSON: Mike Robinson, resident
 4 and farmer on Roberts islands.
 5 The Calfed ideal of fixing the Delta cannot
 6 succeed without a dressing the issue of poor water quality
 7 in the San Joaquin River from upstream sources.
 8 You are asking the Delta to fix the poor water
 9 quality problem partially created by someone else upstream.
 10 Complete the central drain as promised.
 11 Otherwise you have missed the mark.
 12 The Calfed ideal of fixing the Delta cannot
 13 succeed without substantially increasing off-site water
 14 storage facilities. More storage capacity is necessary to
 15 meet the demands of a 50 million population in 30 years
 16 rather than merely deciding that agriculture is an easy
 17 target to take the water from. Otherwise you have missed
 18 the mark.
 19 Agriculture has actually decreased water use
 20 while the increase in demands is coming from urbanization.
 21 Urban demand should be paying for the water it needs. In
 22 your estimation it is too expensive to treat domestic-use
 23 water for bromides. Yet, it is acceptable to require
 24 reverse osmosis systems for agricultural drain pumps.
 25 That's page 21 of your Water Quality Program.

Page 17

Page 19

The large scale requirement -- retirement in conversion of prime productive farmland to other uses will have a devastating impact on the economy of San Joaquin County and the Delta. Considering your alternatives, it is painfully obvious that the real purpose of Calfed is to provide the best water quality only at the pumps for export at the expense of Delta farmers, Delta farm land, the local economy and San Joaquin County.

Water rights must not be impaired by Calfed.

Area of origin rights must be fully recognized and protected. If Calfed really wants to fix the Delta, consider less water export rather than more export.

Consider more off-site storage capacity rather than how much you can take away from agriculture in San Joaquin County and the Delta. Consider a solution to the poor water quality that is already coming down the San Joaquin River and through the Delta.

Thank you.

THE HEARING OFFICER: Thank you.

HEATHER ROBINSON: Heather Robinson, Roberts islands. Despite all the -- well, like Rogene Reynolds and my father I've read the document myself. And despite all of Calfed's assurances, principles and objectives it's painfully obvious to me that the real primary objective of this process to ship the maximum

habitat for hundreds of species, yet there is no proposal to convert urban areas into natural habitat.

Calfed claims that its solution must be equitable but has based all of its solution on the redirection of agricultural water and the conversion of ag lands to other uses without offering agriculture anything in return.

But if Calfed is truly serious about addressing the ecological health and water issues for the future of California, come up with a plan that we can all live with.

Consider decreasing exports rather than increasing them. Clean up the San Joaquin River. Complete the central drain. Develop new surface water storage. This will provide additional sources of water for California's exploding population and provide additional flood protection at the same time.

Do not even consider an isolated conveyance facility. An isolated facility is just not in the best interests of the Delta itself or in those of the people who live here.

And, lastly, work with agriculture rather than against it.

I have seen far more wildlife in our alfalfa fields than I have ever seen in downtown Los Angeles.

Thank you.

Page 18

Page 20

amount of water south.

I find -- personally, finds this process appalling and it is effects on agriculture to be unacceptable. In fact, when I analyzed Calfed according to it is very object objectives and principles I found that it often didn't even measure up to its own standards.

Calfed claims that its solution will be affordable, but contemplates building a billion dollar isolated conveyance facility also known as the Peripheral Canal to route water around the natural system that already exists.

Calfed claims that its solution will have no significant redirected impacts. But how can the amount of water in that isolated canal make up for devastating a Delta system that already suffers from overdrafting.

Calfed claims to address Delta water quality but chooses not a to address the water quality of the San Joaquin River. The San Joaquin still has not recovered from the last Water Project and continues to deteriorate without the long promised central drain. This has been our experience with assurances.

Calfed claims to address ecosystem quality, but down plays the beneficial environmental affects that agriculture already provides.

Agriculture, unlike urban areas, provides

THE HEARING OFFICER: Mr. Scott Heath.

SCOTT HEATH: Yes, good evening, my name is Scott Heath. I live at 980 East Edison Street, Manteca, California.

I represent the San Joaquin Association of Realtors, an organization of almost 500 members. We have several concerns about this Bay-Delta plan programmatic EIR/EIS. Our concerns stem from the fact that the plan will have a huge negative impact on San Joaquin County. Three alternatives to fix the Delta are described but the targets and programmatic actions are in direct conflict with your six solution principles.

Two specific solution principles which are not met in this plan are principle number two, the plan will be equitable. Number six, that the plan will have no significant redirected impacts.

For example, in your minimal economic analysis there is no accurate determination of the true impact on the Stockton area regarding lost jobs or decreased land values caused by the plan. Our concern is that the impact of the retirement of almost 200,000 acres of Delta farm will severely impact San Joaquin County as a whole

On page 8.4-4 of the EIS/EIR your table shows some negative impacts to all areas of California except State Water Project and Central Valley Water Project

Page 21

Page 23

1 delivery areas. This is not equitable.
 2 Tables 8.2.3 show all regions as having
 3 significant and unavoidable negative impact, especially
 4 the Delta region, except areas outside the Central Valley.
 5 This is not equitable.
 6 A further concern to our Realtor Association
 7 is lands use assumption and impacts on personal property
 8 rights. Would you purchase a ranch next to Old River now
 9 knowing that a thousand acres of mandated setback levee
 10 impacts were being planned?
 11 The table on page 57, summary of ERPP Habitat
 12 Restoration Targets shows total Delta acreage affected as
 13 138 to 191,000 acres. Which acres? Simply the development
 14 and printing of this plan will have an immediate negative
 15 impact on land values in areas of significant negative
 16 impact, especially San Joaquin.
 17 Finally, this plan does not address long-term
 18 needs for water supply for all of California, much less the
 19 needs of Stockton or other San Joaquin County towns. One
 20 plan objective is to reduce mismatch but the plan relies on
 21 efficiency and water conservation does not allow for
 22 significant increased storage and winter runoff.
 23 In closing, our association would like to be
 24 on record as opposing the so-called -- or this Calfed,
 25 Bay-Delta set of alternatives.

Page 22

1 We want this rewritten that alternatives be
 2 completed and an accurate cost analysis been completed.
 3 I'll go on, but I think that -- finally, the Alternative
 4 Three, the isolated transfer facility been removed
 5 completely from the plan as it is completely inequitable
 6 burden on the Delta.
 7 Thank you for your time.
 8 THE HEARING OFFICER: Thank you,
 9 Mr. Heath.
 10 The next three names are Barbara O. Ellis, Tom
 11 Rosten and Ray Cole. Would you come up, please, Miss
 12 Ellis.
 13 BARBARA ELLIS: My name is Barbara O.
 14 Ellis, and I was born and raised on Roberts Island. My
 15 family has farmed the same lands for four generations. I
 16 am here to oppose the so-called open channel isolated
 17 facility, which is basically a channel around the east side
 18 of the Delta totally bypassing existing channels. This
 19 alternative would be very detrimental to the Delta for the
 20 following reasons:
 21 One, reduce flows, thus allowing more salt
 22 intrusion into the area.
 23 Two, poorer water quality than presently
 24 exists, and we all know water quality is already bad.
 25 Three, all of the above would contribute to

1 dwindling fish populations and other wildlife
 2 The Calfed Bay-Delta Program sounds like a plan
 3 to restore and preserve San Francisco Bay and the
 4 Sacramento-San Joaquin Delta, but any plan that by passes
 5 the Delta will actually further destroy this fragile area,
 6 one of the few in the United States. The Delta is vital to
 7 this area for drinking water, agricultural use, recreation
 8 and habitat.
 9 We all realize that behind the lofty goals and
 10 fine rhetoric, one of the main reasons for all of the
 11 interest in this plan is to deliver more better quality
 12 water to Southern California. This area is already
 13 receiving water from the Colorado River, the eastern slopes
 14 of the Sierra, Northern California and anywhere else it can
 15 grab water.
 16 Southern California will never decrease in
 17 population and there is a limit to how much water the rest
 18 of California and neighboring states can give.
 19 All communities, including San Joaquin County,
 20 face increased commands for water. Add a few drought years
 21 and there may not be enough water for local use, certainly
 22 not any excess to ship more south.
 23 It's not right that the final decision as to
 24 which alternative Calfed adopts ultimately rests with two
 25 people. A Governor from Southern California with just a

Page 24

1 few months left in office and a Federal official looking to
 2 make a name for himself. In conclusion, we don't want to
 3 see the Delta ends up another victim of the Southern
 4 California's water appetite like the Owens Valley and Mono
 5 Lake. I urge everyone with an interest in the Delta to
 6 oppose the open channel isolated facility.
 7 Thank you.
 8 THE HEARING OFFICER: Thank you.
 9 Tom Rosten and then Ray Cole after that. Mr.
 10 Rosten.
 11 TOM ROSTEN: Thank you for the
 12 opportunities to speak.
 13 When I came in here tonight, I notice that the
 14 table was sitting down at the floor legal and I thought
 15 that's neat. This is the first time I've seen a gathering
 16 of bureaucrats that didn't set themselves up above the
 17 audience. I wasn't disappointed. It happened.
 18 THE HEARING OFFICER: They were forced back
 19 to the wall (indicating).
 20 TOM ROSTEN: Maybe too close.
 21 The first thing I'd like to echo is what I
 22 heard from Senator Johnston. I think the key to any
 23 solution in the Delta is to maintain the common pool.
 24 It's necessary for the people that live in the
 25 Delta and work in the Delta to have some level of comfort.

Page 25

Page 27

1 Especially when a group of bureaucrats, using central
2 planning techniques, is trying to commit them to a future
3 they may not want.

4 What I'm saying is that central pool really
5 protects the interests of the water users out there.

6 All the water that's shared through that
7 central pool is going to have a certain quality. Now,
8 since L.A. and a few other users have to use that, they'll
9 want to protect that quality.

10 If you build a big straw around it, there won't
11 be any quality left, and there won't be a lot of money left
12 to protect the interests of the Delta. I see that as just
13 the way the Delta is going to collapse. I am opposed to
14 Alternative Three.

15 And I work for 11 Reclamation Districts and I
16 suspect if you took a poll, you would find that every
17 Director would say the same thing. They are opposed to
18 Alternative Three.

19 Now, I heard something earlier tonight, and
20 that I just want to dwell on for a minute. I heard
21 somebody talk about building habitat berms along the levees
22 as a means of developing waterside riverine habitat.

23 I proposed such a plan over a year ago to the
24 Corps of Engineers, asked for a permit to do this out on
25 Palm Tract.

1 less about the specifics of the alternatives and more about
2 the growing awareness that something is very wrong with the
3 process that has presented us with these three unacceptable
4 alternatives.

5 I think it was Will Rogers that once said that
6 a populous can be described as someone who is getting
7 screwed and thinks he knows who is doing it and a lot of us
8 are beginning to realize that the Calfed process is indeed
9 pursuing a program that benefits certain agricultural and
10 development interests at the expense of local agriculture
11 and the rest of the public.

12 And it really doesn't have to be that way.
13 This is indeed a unique opportunity and we are really
14 asking you to do a very difficult task of truly balancing
15 competing demands of water and, in fact, restore the Delta.

16 The stated mandate of the Calfed process has
17 been to develop plans to export more water and to restore
18 the Delta.

19 The reality is that those are mutually
20 exclusive goals and the alternatives to date have given us
21 the additional diversions and they really do reflect the
22 desire to remove more water from an already
23 overappropriated system.

24 Restoration simply has not been given equal
25 weight in this process.

Page 26

Page 28

1 They had what they called the pre-meeting.
2 There were a number of bureaucrats, this time not quite as
3 old as you, understand 30. And they're experts and what
4 they did was they turned thumbs down on that (indicating)
5 because it might influence a fish or two.

6 They were going to get there shaded riverine
7 aquatic habitat, but no they weren't interested in that.
8 They'd rather have shallow water and no shaded riverine
9 aquatic habitat. That's what I got out of it.

10 So I think you've got some problems within you
11 are own bureaucracy to solve before you start flagging this
12 out as potential solutions. I don't think it's a potential
13 solution. They can't get it past the bureaucrats.

14 Now, I've just got one other thing to say. I'm
15 not a friend - oh.

16 Thank you for the time.

17 THE HEARING OFFICER: Thank you very much,
18 Mr. Rosten.

19 We'll have Ray Cole and after that John Stroh.

20 RAY COLE: My name is Ray Cole. I'm an
21 officer and Board member of the California Sport Fishing
22 Protection Alliance and the Northern California Counsel For
23 The Federation of Fly Fishers.

24 We represent approximately 40 fishing and
25 conservation organizations. My comments here tonight are

1 A credible plan would include conservation and
2 that would, in fact, include removal of marginal land from
3 protection.

4 The San Joaquin Delta farmland is among the
5 most productive in the world. The current alternatives put
6 local agriculture at great risk for the benefit of southern
7 valley irrigation districts containing marginal land and
8 some even containing land that produce toxic runoff, which
9 itself further contaminates our local waters.

10 Water quality, you have to have strict
11 enforceable water quality standards that really do dictate
12 the amount of water that can be exported from the Delta and
13 again you have an opportunity to go back and develop a
14 realistic fourth alternative that would give equal weight
15 to the protection of the Delta and the general public and
16 we urge you to do so.

17 Thank you.

18 THE HEARING OFFICER: Thank you.

19 Mr. Stroh and after that we'll have Eloise
20 Fischer.

21 JOHN STROH: Thank you.

22 My name is John Stroh and I'm with the San
23 Joaquin County Mosquito and Vector Control District and I'm
24 here to talk about mosquitoes in the sense that they are
25 not endangered species.

Page 29

Page 31

1 Contrary to urban belief mosquitoes do exist
2 quite well in the Delta area and will continue to do quite
3 well with the impact that we see with the implementation of
4 the plan.

5 There are three things that I would like to see
6 come forth through this process.

7 Number one, identifying ways that habitat can
8 be enhanced or developed without impacts to public health.

9 Two, to include local Government agencies in
10 the process of dealing with best management practices with
11 regarding wetland development and habitat creation.

12 Last but not least dealing with how local
13 Government is going to pick up the pieces and deal with the
14 problems after private land is converted to public land, is
15 taken off the tax roles and receiving less income.

16 I am a bureaucrat like yourself and seeing that
17 there could be up to 200,000 acres that eventually could go
18 into the public role instead of the private role leads me
19 wondering how I'm going to finance a program that's
20 supposed to be there for the public.

21 Last but not least I'd like to let you know
22 that there are four mosquito and vector control agencies
23 within the five county Delta area and we are available to
24 work with Calfed in developing those best management
25 practices.

Page 30

1 To date none of the districts have been
2 contacted yet you've gone forward with developing this
3 grandiose plan for habitat development and implementation.

4 So my final comment would be we are available.

5 A local contact person would be Margaret
6 Rambureau (phonetic) with the Delta Protection Commission.
7 She's been very important in working on mosquito-related
8 problems in the Delta and with that I'll let you go to the
9 next speaker.

10 Thank you.

11 THE HEARING OFFICER: Thank you, Mr.
12 Stroh.

13 Miss Eloise Fischer and after that Dave Wagner.

14 ELOISE FISHER: My name is Eloise Fischer
15 and I'm here representing the Calaveras County Farm Bureau
16 and the Calaveras Tuolumne Cattlemans Association.

17 We are residents and agricultural producers in
18 the rural mountain counties and have some very strong
19 concerns with the proposals.

20 There is no firm commitment in the plan that as
21 an area of origin we will be able to retain our water
22 rights. These rights must be upheld regardless of how much
23 water we are using at the present time. The rural mountain
24 counties need assistance from Calfed to build additional
25 impoundment facilities and a binding assurance that all the

1 water we have a right to as a county of origin will be held
2 in reserve and be available for our use in meeting the
3 demands of our rapidly growing population.

4 Protection of the area of origin in our water
5 rights must be upheld by any proposal. So far I don't see
6 this commitment in any of the alternatives. Are Calaveras
7 and Tuolumne residents getting better from this plan?

8 There is a great deal of uncertainty and
9 concern about ecosystem restoration and watershed
10 management requirements and the effect they will have on
11 land use and activities in the upper watersheds. The
12 ecosystem restoration plan program could become the most
13 intrusive restoration program in the world.

14 One of the stated Calfed objectives is to
15 improve riparian habitat. We have concerns as to where and
16 how much improvement is actually needed and what the
17 proposed solutions are.

18 As a livestock producer I am concerned about
19 potential impacts to grazing. Calfed must defer to
20 existing non-point source pollution control programs that
21 are already in place.

22 The State Water Resources Control Board has
23 adopted the non-point source three tier approach for
24 protection of water quality and has entered into
25 multi-Agency agreements with BLM and Forest Service to

Page 32

1 address non-point source issues in the upper watersheds

2 Calfed must recognize and encourage these
3 efforts and not overlay another whole program over an
4 existing one. To make the system work Calfed needs to
5 assure us that there will be a reliable long term water
6 supply that treats the needs of all users fairly. To
7 accomplish this Calfed needs to make a firm commitment to
8 expand its storage facilities and they haven't done that.

9 The Calfed proposals rely too heavily on
10 farmland conversion and retirement to accomplish their
11 goals. Depending on the proposal anywhere from 250
12 thousand to a million acres could be lost from agricultural
13 production.

14 No one benefits or gets better from this
15 solution. Everyone loses. The individual farmer, local
16 communities, the California economy. Agriculture in this
17 State is a 25 billion dollar industry and all of us as
18 consumers who now benefit from the wholesome and abundant
19 food supply.

20 To be successful the Calfed plan must first
21 make a firm commitment to expanded water storage. Without
22 substantial additional storage the rest of the plan will
23 fail and we will not all get better together.

24 Thank you.

25 THE HEARING OFFICER: Thank you.

Page 33

Page 35

1 Mr. Dave Wagner and after that we'll have
2 Mr. James McLeod.
3 DAVE WAGNER: Okay. I am not going to
4 repeat what's already been said about the Peripheral Canal.
5 We don't need it. It would cause further encroachment of
6 salinity in the Delta and that's irreversible.
7 What they found out in the southern San Joaquin
8 Valley, as you know, the drainage problem is severe and yet
9 we continue to tax support cheap water, not the true cost
10 of water, to many marginal crops that overuse water and in
11 many cases should not be grown there.
12 I would like to emphasize that in order to
13 restore the San Joaquin County river to the quality of
14 water that it must have if we are going to preserve the
15 Delta water quality, we must have full releases at the
16 Friant Dam.
17 This is extremely important even in drought
18 years.
19 The other point I would like to make is the
20 incentives for water users, and this is to conserve water,
21 should be a part of the program, and this is for both urban
22 and agricultural. It's hardly been tapped at all.
23 For example, look at Sacramento's energy use.
24 Now that Rancho Seco is no longer providing nuclear power
25 they've had tremendous results just on conservation. The

1 Banta-Carbona Irrigation District has a four
2 million dollar project to put a fish screen on its intake.
3 We have the Federal money lined up -- thank you, Roger.
4 We have Montgomery Watson Engineers lined up,
5 we have everything else lined up except the agreement with
6 Fish and Game and that is a very onerous thing because they
7 keep dragging and dragging and dragging your feet, and it's
8 very disturbing to us that they come and say they want to
9 put the fish back in the river and yet they don't come
10 forward.
11 I think that Calfed has a fatal flaw and that
12 is its attack, and I use the word attack, on agriculture,
13 and it is a full fledged attack on agriculture.
14 The Jerry Brown Administration said that if ag
15 would only save ten percent of the water or not use ten
16 percent of the water all of our problems in California
17 would be solved.
18 I don't know what you guys are doing up here
19 doing this process. We saved, according to David Kennedy,
20 more than ten percent. So we shouldn't really be doing
21 this. All of our problems are solved. I hope the Jerry
22 Brown mentality doesn't continue on with Calfed.
23 Water conservation, it's supposed to be on
24 equal footing with the environmentalists in the City, us
25 farmers. In the water conservation particularly the

Page 34

Page 36

1 same potential exists for water.
2 And finally there is a need for some wetland
3 restoration. This should be done with the cooperation of
4 agriculture in the lands where they don't need to take a
5 lot of prime land out of production and what this does is
6 restore water quality.
7 It recharges the groundwater and it filters out
8 many problems that -- in other words, it generates greatly
9 improved water quality and this is important.
10 But with adequate conservation some of the
11 necessity for building expensive water storage facilities
12 can be prevented.
13 Thank you.
14 THE HEARING OFFICER: Thank you.
15 Mr. McLeod and after that we'll have Dante
16 Nomellini.
17 JAMES MCLEOD: Thank you very much, Mr.
18 Chairman.
19 I'm Jim McLeod, President of Banta-Carbona
20 Irrigation District, long time farmer in San Joaquin
21 County.
22 First of all, I want to say that we want this
23 process to succeed. Bear that in mind in spite of
24 everything else we say and we also want the fish back in
25 the river.

1 wording is entirely different for water conservation with
2 ag as it is for the environmentalists in the City.
3 We are supposed to be on equal footing,
4 everybody treated equal in this process and by far as we
5 are sitting here today agriculture is the complete loser in
6 this thing.
7 Habitat, I don't think that you recognize the
8 habitat that is out there.
9 For instance, on the Tuolumne river we can
10 handle 10,000 returning salmon. We've never had 10,000
11 returning salmon with the habitat that we have today, with
12 the water, the food, the temperature and so forth.
13 We need to maximize the habitat we have in all
14 of the rivers before we yell habitat, habitat, habitat for
15 salmon. We need to maximize that and when we do maximize
16 it, just look at it and see what we need to do to improve
17 that. Let's get the fish back in the river. We can do
18 this but we are blocked from doing this.
19 Dredging, setback levees, Fish and Game says
20 that the striped bass were compatible with all of the
21 salmon in the river and that they should be left there.
22 Well, we used to do a lot of dredging and it
23 seems to be that we don't do dredging anymore to compete
24 with the capacity of the rivers so I think that we need to
25 relook at that.

Page 37

Page 39

1 Thank you very much.
 2 THE HEARING OFFICER: Thank you, Mr.
 3 McLeod.
 4 Mr. Nomellini.
 5 DAN NOMELELLINI: Yeah, I'm Dante John
 6 Nomellini. I'm one of the attorneys for the Central Delta
 7 Water Agency, and you probably know what I'm going to tell
 8 you.
 9 But, in any event, your Alternative Three,
 10 which I think was intended to be represented as something
 11 other than a Peripheral Canal, is in our view a Peripheral
 12 Canal even worse than it was in 1982 when we worked so hard
 13 to defeat it.
 14 The current proposal is an isolated canal
 15 without any outlets for the Delta.
 16 It represents to me a clear signal from you
 17 people that you don't intend to move forward together and
 18 protect the interests of all Californians but rather just
 19 try another run at a water grab in Northern California.
 20 Our people have resisted opposing Calfed. We
 21 have not taken one step to date to do anything detrimental
 22 to the Calfed process, but if this proposal continues to be
 23 on the table, we will have no choice but to make every
 24 effort we can to start the battle. We don't want to start
 25 too late in the process.

1 purposes so we don't hear Met up here complaining about the
 2 bromides that they drew into the Delta by having you people
 3 export more water.
 4 So we need to go ahead and help those people.
 5 We don't want to have Californians, any part of California
 6 go without a water supply but we think it's grossly unfair
 7 to take water from one part of the State and give it to
 8 another and we are going to have to fight to defend
 9 ourselves on that.
 10 Thank you.
 11 THE HEARING OFFICER: Thank you,
 12 Mr. Nomellini.
 13 We'll hear from Marjie Fries and David Fries
 14 and then we'll take a short break.
 15 MARJIE FRIES: As a member of the strong
 16 environmental community in this region I want to raise the
 17 concern many of us accept for the custodial well-being of
 18 the Delta, a global treasure as well as a State and a local
 19 one.
 20 I echo and support Senator Johnston's reference
 21 to the common pool. It is important to note that this
 22 concept refers to high quality maintenance of the pool not
 23 only preserving various pull-offs for competing interests.
 24 We must never forget that the Delta is a
 25 fragile ecosystem, an entity that in fact is a major

Page 38

Page 40

1 So I would caution the Governor and Babbitt
 2 that if they want to move forward on a consensus basis,
 3 they should get the divisive canal completely off the
 4 table.
 5 As you know, and we've told you before, the
 6 people before us have attempted to protect this area.
 7 The Delta Protection Act -- and, Lester, I sat
 8 down with you at an early stage, tried to present that to
 9 you in clear terms -- Patterson, you've listened to it a
 10 little bit maybe not enough -- Potter's probably tired of
 11 hearing it -- but the Delta Protection Act itself said that
 12 only surplus water would be exported, that there would be a
 13 common pool in the Delta, and as expressed by previous
 14 speakers the magic of that common pool is that there is a
 15 common interest in the Delta's preservation.
 16 We all know how dirty the water politics have
 17 been and it's even worse in court and there is no way to
 18 protect this area with an isolated facility.
 19 We think there needs to be greater effort to
 20 encourage the municipalities, particularly those south of
 21 the Tehachapis, to become more self-sufficient.
 22 We would like to see a major alternative
 23 included in Calfed that would provide public funding for
 24 desalting of brackish groundwater, desalting of waste
 25 waters, higher levels of water treatment for water supply

1 stakeholder often without a voice and relies on our and
 2 your good judgment for its preservation.
 3 The environmental interests in this area
 4 support the retention of prime farm land in the county. We
 5 all prosper with improved Delta and San Joaquin River
 6 quality.
 7 It is recognized that farm land in the county
 8 already provides the majority of wildlife habitat.
 9 None of the alternatives seriously studies and
 10 proposes conservation as a viable solution to the so-called
 11 problems of the Delta.
 12 New alternatives should address forward looking
 13 futuristic conservation proposals. It is really the only
 14 way to think our way out of the problem of too many people
 15 in a fixed amount of water.
 16 Also, in new alternatives I would suggest that
 17 you consider, in fact, land retirement in the south valley
 18 that sucks huge water quantities and spits back poison into
 19 the Delta.
 20 I was alerted to this hearing primarily by a
 21 rather generic article in the Chronicle a couple of weeks
 22 ago and my eyes just popped open when I saw that the
 23 various proposals for transporting water through new
 24 channels would only take surplus water out of the Delta,
 25 and I think we all know that there is no surplus water in

Page 41

Page 43

1 the Delta.
2 Thank you very much.
3 THE HEARING OFFICER: Thank you.
4 Mr. Fries.
5 DAVID FRIES: Yes, thank you.
6 I came to speak pretty much as a recreational
7 user of the Delta. I sail with many sailors. Many of us
8 have property boats. We pay taxes on those. We are very
9 concerned about many items.
10 It seems like we have three alternatives and
11 they all are a common alternative. The only difference is
12 how much and which way do we pump water south. I would ask
13 the Calfed group to do some prioritization of their program
14 elements. We had five or six. I think one of them was
15 dropped.
16 It seemed like the one that dropped, I thought
17 it was going to have a component of conservation in it. It
18 sounded like water efficiency or use efficiency. It
19 sounded like conservation but it didn't go.
20 That's key that both -- that all persons in the
21 state, not just agriculture, but the urban users, also, the
22 golf courses, whoever, conserve water. We've seen it
23 happen over and over in our society.
24 In the '70's when the embargo came and gas
25 supplies went down and prices doubled, we used less gas.

Page 42

1 We used it more efficiently. We can use less water and we
2 can use it efficiently.
3 I would ask you to prioritize those programs
4 and that on top that you put the environmental integrity of
5 the Delta; and, secondly, that you put the viability of
6 agriculture in this region, this very rich agricultural
7 region high. They can't have equal weight. They must have
8 different weights.
9 And, finally, that we know if we are going to
10 improve the quality of the Delta, we have to increase the
11 river flow.
12 The problems that have occurred have occurred
13 because we've stopped the flow of the rivers and there is
14 no way we can remove more flow from there by pumping south
15 or storing water, whatever, and restore that Delta to what
16 it should and ought to be.
17 Thank you.
18 THE HEARING OFFICER: Thank you very much.
19 At this time we'll take a short break and we'll
20 be back by no later than 25 till at which time we'll hear
21 from Douglas Cramer, Alex Hildebrand and Bill Jennings.
22
23 (Brief recess)
24
25 THE HEARING OFFICER: I've just been

1 advised that Mr. George Barber by the Board of Supervisors
2 of San Joaquin County would appreciate being heard now at
3 this time. So if you don't mind we'll hear him just now.
4 GEORGE BARBER: Chairman, I'm George
5 Barber, Chairman of the County Board of Supervisors and
6 I've been directed to be here by our Board and the
7 following statement the Board of Supervisors of San Joaquin
8 County has the following nine points which we wish to
9 present:
10 We feel that the Draft EIR fails to adequately
11 explore surface water storage alternatives. It's the
12 belief of the Board that there is not sufficient water to
13 meet expanding urban and agricultural water needs of the
14 State during the planning period considered in the EIR.
15 Two, that in addition the Board is concerned
16 that the development of new storage as viewed by the
17 financing component of Phase 2 interim plan is a cost
18 practically to be borne by water users in the upstream
19 areas while the fixing of damage caused by the export
20 projects is not an allocated benefit, thus, placing an
21 unfair burden on the various areas entitled to the origin
22 of protected division of California law.
23 Three, the Draft EIR fails to consider the
24 economic impacts of the Calfed proposals.
25 Four, the Draft EIR anticipate significant

Page 44

1 conversion of Delta lands to nonagricultural use. The
2 Board is absolutely opposed to the proposed conversion.
3 Five, the historic opposition of this county to
4 the Peripheral Canal is strongly reasserted. The Board is
5 unalterably proposed to any isolated facility transporting
6 water from the Sacramento River directly to the State and
7 Federal export pumps.
8 Six, it is the belief of the Board that each
9 hydrograph area or region of California should to a much
10 greater extent stand on its own rather than depriving other
11 areas such as our own of water that they need and it's just
12 one example in the desaltization of sea water or brackish
13 water should be considered.
14 Seven, the Draft EIR continues to assume the
15 use of land quantities of stored Stanislaus River water to
16 dilute the quality of the San Joaquin River to meet fishery
17 requirements. This is unacceptable to the Board. It
18 results in a violation of the area of origin law.
19 Eight, a solution to the overdrafted eastern
20 San Joaquin County basin is a matter not only of concern to
21 this county but to the entire State of California, in view
22 of the agriculture productivity of the area the significant
23 population residing in the area.
24 Nine, while the Draft EIR mentions the existing
25 watershed and Delta Protection Acts of the area of origin

Page 45

Page 47

1 laws it fails to meaningfully consider the application of
2 these laws to alternatives proposed.

3 I have presented to you about a ten page
4 detailed statement which elaborates in more detail on the
5 items that I've enumerated tonight and I'd like to thank
6 you for the opportunity to be with you.

7 THE HEARING OFFICER: Appreciate that,
8 Supervisor Barber.

9 I'd like to commend all of the previous
10 speakers as well as Supervisor Barber on their ability to
11 say a great deal in a short time.

12 It's very pithy statements and it's evidenced
13 their effectiveness by the fact that a number of people
14 have indicated that they feel their views were adequately
15 expressed and they have taken themselves off the speaker's
16 list as a result. Thank you for being so eloquent.

17 At this time we'd like to hear from Douglas
18 Kramer, followed by Alex Hildebrand and Bill Jennings.

19 DOUGLAS KRAMER: Good evening.

20 My name is Douglas Kramer. I am a student at
21 Delta College, a Water Resources major. The future of
22 California's water is here now. The decisions and
23 recommendations of this council are going to impact my
24 generation and generations to come.

25 I am an unelected representative of my

1 when it comes back off.

2 We cannot solve our water crises without
3 addressing water quality at the same time. I'm concerned
4 with the integrity of the reasoning behind the three plans.

5 I do not accept any of these and I feel a
6 fourth much more economically and an environmentally sound
7 program must be found. In the past ignorance has been the
8 cost of massive environmental degradation.

9 We gain knowledge from our mistakes and I think
10 we really need to look back and use and the knowledge we
11 have gained and not go with the same old ideas.

12 Thank you.

13 THE HEARING OFFICER: Thank you,
14 Mr. Kramer.

15 Mr. Hildebrand, nice to see you again.

16 ALEX HILDEBRAND: Good evening.

17 My name is Alex Hildebrand. I am a farmer and
18 an engineer. I am President of the Delta Water Users
19 Association and President of District 2075. You are
20 already aware of some of my other affiliations.

21 I've already submitted written testimony that's
22 a good deal more extensive but I'd like to make a few
23 points this evening.

24 We need a balance and comprehensive plan to
25 protect the environment to the effect that doing so is

Page 46

Page 48

1 generation. However, I feel my concerns reflect the views
2 of my peers.

3 Conservation is the key to the future of
4 solving California's water problems. Innovation,
5 ecological resolutions must be found. However,
6 conservation is the key to solving California's water
7 problems.

8 During the last drought my family and myself
9 learned to conserve water. We watched the public notice
10 board across my house rocket up to 22 percent of water
11 conservation to date. 22 percent is a lot of water.

12 After a while conservation became second nature
13 to myself and my family and it should be to everybody.

14 Conservation is the most economical, produces
15 the quickest results and is the most environmentally sound.

16 Cities have shown the effectiveness of water
17 conservation and ag has shown up to a 50 percent reduction
18 in water usages. Not every case can be this great.

19 However, we don't know what can be until we are trying,
20 until everybody is trying.

21 Everyone must be held accountable for their
22 water usage. Using marginal farm land to produce heavy
23 water dependent crops that are subsidized should stop.

24 The water that comes off any farmer's land
25 should be just as healthy as when it entered or as usable

1 feasible and compatible with meeting the other needs of our
2 ever growing population. The DEIS represents an enormous
3 effort to produce a 30 year plan for this purpose.

4 Unfortunately, however, the effort is so
5 complex and so controversial among the parties with
6 different perspectives that we do not yet have a clearly
7 defined plan that can or should be adopted.

8 Before selecting a preferred alternative the
9 through Delta option can and must be redesigned to be
10 better for fishery and for export water quality and for
11 earthquake protection.

12 You already heard what we all think about the
13 Peripheral Canal and I'll join in those comments.

14 The plan assumes that the future environmental
15 and urban water needs will be met largely by taking land
16 and water that is now used to provide food and clothing.

17 It proposes this reallocation of resources away
18 from agriculture in order to avoid the need for substantial
19 development of new water supply.

20 Water transfers do not create new water. They
21 merely shift water from one user to another.

22 In the 30 year time frame of the program there
23 will be 20,000,000 more Californians, ninety million more
24 U.S. residents and two billion more people worldwide.

25 The plan would reduce the per capita allocation

Page 49

1 of water in California to grow food and fiber to
2 considerably less than half of what it is today.

3 We cannot provide safe and nutritious food and
4 adequate clothing for our future population with less water
5 than is now used to grow food and fiber.

6 The only substantial way to develop new water
7 supply is to capture wet year water that is in excess of
8 our needs and our present ability to store and then holding
9 it for dry year use.

10 Offstream reservoirs capture flood flows
11 sufficiently and are financed in part for the flood
12 protection they provide and financially in considerable
13 part by the new power production that they provide.

14 The DEIS, however, focuses on offstream storage
15 that is typically less efficient in capturing flood flows.

16 In fact, the mode of operation that's proposed
17 wouldn't even attempt to attenuate the peak flood flows.
18 They are typically power consumers instead of power
19 producers.

20 Thank you.

21 THE HEARING OFFICER: Thank you, Mr.
22 Hildebrand.

23 Mr. Jennings.

24 BILL JENNINGS: Bill Jennings representing
25 DeltaKeeper, San Francisco BayKeeper, the California

Page 50

1 Sportfishing Protection Alliance and the Committee to Save
2 the Mokelumne.

3 Frankly, the three party process is
4 disintegrating. Instead of a fair, balanced and
5 environmentally sane plan that will guide California into a
6 sustainable future we are presented with a series
7 disingenuous alternatives crafted to justify expensive,
8 unneeded and environmentally damaging water projects.

9 Calfed is prepared to disrupt Delta communities
10 by taking approximately thousands acres of Delta
11 lands -- much of it prime farmland -- but it effectively
12 ignores retiring the marginal selenium laced soils of
13 Westlands that poison our Delta.

14 It lays the groundwork for spending billions of
15 dollars for new dams but disregards reasonable conservation
16 efforts that would likely eliminate the need for those
17 dams. Agriculture can save more than the one percent in
18 the EIR.

19 It speaks of fair share water contributions but
20 fails to acknowledge that the spigot at Friant is the key
21 to restoring the San Joaquin River and South Delta.

22 There are no indepth analyses of the wisdom of
23 using millions of acre feet of subsidized water to grow
24 cotton, rice and alfalfa in the desert or of true cost
25 water pricing.

Page 51

1 The water quality component is egregiously
2 deficient. As the recent USGS and NAWQA study
3 demonstrates, this watershed is one of the most polluted
4 basins in the entire nation. Without a major commitment to
5 understanding the mass loading, spatial distribution,
6 transport, fate and synergistic effects of contaminants in
7 the estuary and their impacts to biological life and human
8 health, restoration efforts are a charade.

9 And it resurrects the Peripheral Canal that
10 will institutionalize the degradation of the Delta. Every
11 major replumbing project in the Delta over the past five
12 decades has made things worse despite assurances to the
13 contrary.

14 The absence of a balanced environmental
15 alternative that mandates significant water conservation
16 and retirement of marginal lands is a fatal flaw. Failure
17 to include such an alternative renders the DEIS as a little
18 more than an omelette of distortion, half-truth and faulty
19 logic designed to create an artificial reality.

20 All three alternatives mock the California
21 Constitution, the Water Code, Porter-Calone and Public
22 Trust Doctrine. They will not need the mandates of the
23 Federal Clean Water or Endangered Species Act.

24 We urge Calfed to create a fourth alternative
25 based on water conservation, watershed restoration,

Page 52

1 retirement of marginal lands and a solving commitment to
2 improved water quality.

3 We insist that significant water conservation
4 and efficiency of use be achieved before consideration of
5 any new storage and require that those who directly benefit
6 from new storage and conveyance facilities pay for. We
7 need vision not a pork barrel for the hydraulic
8 brotherhood.

9 THE HEARING OFFICER: Thank you,
10 Mr. Jennings.

11 For our next round could we have Randy
12 Williams, Dwain Hunt and Daniel McDaniel, please.

13 RANDY WILLIAMS: Good evening. It's a
14 pleasure to be here. I may be the least popular speaker
15 here tonight.

16 My name is Randy Williams. I am a resident of
17 the City of Poway in San Diego County so I come from
18 Southern California.

19 I happen to be the Director of Public Works for
20 my city and in that capacity have been appointed to serve
21 on the Board of Directors for the San Diego County Water
22 Authority. That's an agency that represents 23 cities,
23 water agencies and irrigation districts in providing the
24 water supplies needed to sustain San Diego County.

25 I thought very seriously about not speaking

Page 53

Page 55

1 tonight in the interest of time and also because I was
2 afraid I might be tarred and feathered before the end of
3 the day but in listening to and, frankly, listening very
4 carefully and trying also to learn something from every
5 speaker that's come up, I find that despite my considerable
6 number of years in the water industry I, too, am learning
7 many things tonight from all of you and I appreciate your
8 comments. I do want to share with you, though, some
9 thoughts, not those that were prepared but rather things
10 that came to mind as I listened to you tonight about what
11 Southern California, specifically San Diego County, is
12 doing to try to take care of its own water problems.

13 My small town of Poway has about 46,000
14 residents and as we speak we are completing construction on
15 a reclaimed water reservoir and distribution system that
16 will use 800 acre feet of recycled water, waste water,
17 that's been processed through the treatment plant in the
18 area.

19 That's costing our citizens in Poway quite a
20 bit of money. We've also recently invested another ten
21 million dollars in our water treatment plant to make sure
22 that it provides the quality water that's necessary for
23 potable use. So that's Poway. In addition, the San Diego
24 County area we have spent in the last seven years over one
25 billion dollars trying to improve our waste water

1 acre feet of water total during that period of time to San
2 Diego County for urban use. That 9,000,000 acre feet of
3 water will cost the citizens of San Diego about two hundred
4 and seventy billion dollars, which we in turn will be
5 giving to IID. We think that's significant. We appreciate
6 CalFed's efforts.

7 Thank you.

8 THE HEARING OFFICER: Thank you,
9 Mr. Williams.

10 Mr. Hunt.

11 DWAIN HUNT: My name is Mr. Hunt. I'm
12 just a nobody.

13 The only thing I've got is a good memory,
14 fellas. I can remember back in 1935 when our rivers were
15 clean. We had plenty of water. You could drink the water
16 anywhere in the rivers in Northern California. Now, water
17 quality, my wife can't even drink the water I'm getting
18 now. I have to buy bottled water. I tried to get some of
19 the government to buy it for me but they won't do it. The
20 rivers are so dirty you can't eat the fish that's in it, in
21 the Delta. They've got the salt water up here so bad it's
22 in such bad shape, and now we haven't got water and you
23 want to take more away from us.

24 The second thing is when this is all over and
25 you guys meet, you are the ones that's going to decide.

Page 54

Page 56

1 collection and treatment system so that we can, in fact,
2 recycle water. We are expecting by the year 2,015 that we
3 will be recycling over 55,000 acre feet of water as a
4 result of that billion dollar investment. On top of that
5 billion dollars, San Diego County is spending another
6 two hundred million dollars to try to process that recycled
7 water through six more steps or six more stages of
8 treatment, to get it to a level when it can be used for
9 potable use. Our intention is that we will be able to
10 annually produce about 20,000 acre feet, put it back in our
11 surface reservoirs and then use it for potable purposes.
12 On top of all of that we have another three hundred million
13 dollars -- excuse me, we have another five hundred eighty
14 million dollars that we are spending, in fact, our Board at
15 the Water Authority just approved last month to extend our
16 reservoirs raising the level of our dams such that we can
17 be more self-sufficient, capturing more water from the
18 infrequent rains, except during these El Nino years, that
19 happen in San Diego County.

20 And finally in April of this year, and I think
21 this is perhaps very significant, I hope it's significant
22 to you, our Board of Directors together with the Board of
23 Directors for the Imperial Irrigation District signed a
24 what we considered landmark water transfer agreement. That
25 agreement over a period of 45 years will transfer 9,000,000

1 Wouldn't it be better if we decided?

2 Let us vote on it. Don't let Southern
3 California vote on it. Let these farmers up here vote on
4 who takes their water away from them.

5 Thank you.

6 DAN MCDANIEL: My name's Daniel A.
7 McDaniel. I live here in Stockton. I've lived here all my
8 life. I am an attorney and I'm appearing on behalf of
9 myself. I'd like to adopt the comments that were
10 previously made by Ray Cole and someone I work with, Dante
11 John Nomellini. I'd like to also add that when I look at
12 the documentation, the EIS, the EIR, the common thread that
13 I see throughout the various alternatives and I think when
14 you look at the three alternatives there's -- there are
15 actually a number of alternatives within each of those and
16 so there is really twelve alternatives, but what I see is a
17 common thread of the exportation of more water from our
18 area, the construction of facilities, the making of
19 improvements so as to facilitate the taking of more water.

20 What we need is not taking more water. We need
21 the taking of less water. We need a reduction in the
22 exports and I think until you look at the reduction of the
23 exports in the context of being a reasonable alternative to
24 the projects that you're considering, I don't think you've
25 got a proper EIS/EIR. That's all I have to say.

Page 57

Page 59

1 Thank you.

2 THE HEARING OFFICER: Thank you.

3 Could we please have Don Nuccio, Rich Petersen
4 and Jerry Robinson.

5 I appreciate your coming up so you'll be ready
6 to follow the first speaker.

7 DON NUCCIO: Fortunately, that wasn't the
8 camera. Crops (indicating).

9 Swiss chard grown on an organic farm right in
10 the middle of this very intensely pesticided environment.

11 A 4-H project, I'm glad to say, kids learn how
12 to grow their own. With the price of food nowadays you'd
13 better be able to.

14 When I read in the record a couple of years ago
15 that I shouldn't eat the fish that comes out of the river,
16 I felt real bad for the people who do so on a regular basis
17 because they have to.

18 And I remember a recent television show about
19 some ancient culture that disappeared. It seems they had
20 figured out how to increase their agricultural
21 input -- their output using irrigation, and they built
22 these elaborate canals and as time passed the plate tilted
23 the wrong way, the canals didn't work, the culture dried
24 out.

25 I'm not very impressed by our ability to detect

1 should start building them now because it's getting more
2 and more expensive to build these things. Every city in
3 the world close to the ocean, and ninety percent of the
4 population lives fairly close to the ocean, if they start
5 desalinating I think we'll start solving that problem.

6 Look deep into the future, think deep, and no short fixes.
7 Soon we'll have to dig out the reservoirs that
8 we built years ago because they'll need to be dug out to
9 provide the capacity. So let's look to the long-term
10 resolutions and not the short-term and if anybody wants
11 some chard I've got too much to eat myself.

12 Thank you.

13 THE HEARING OFFICER: Thank you,
14 Mr. Nuccio.

15 The record will show that a beautiful piece of
16 chard was brought before us.

17 Mr. Petersen and after that we'll have Jerry
18 Robinson.

19 RICHARD PETERSEN: Hello, my name is
20 Richard Petersen. Like most everyone else here in the room
21 I think we all have a common thread, we'd like to preserve
22 the quality of the Delta ecosystem.

23 I would like to make a stand that I am opposed
24 to containment and I am opposed to transferring water down
25 to Southern California.

Page 58

Page 60

1 carcinogens, toxics and mutagens in our collective pool of
2 water. Parts per billion pales when the chemistry student
3 remembers that 18 grams of water contains ten to the
4 twenty-third particles.

5 There is a lot of room in there for pollution,
6 and, by the way, not detected doesn't mean it's not there.
7 We just didn't look close enough. And don't forget
8 synergistic effects, the amount we know about how these
9 poisons act in concert inside living systems, it's a very
10 shallow data base.

11 All right. Wildlife needs more than just
12 islands. They need corridors within which to move. Right
13 now they have mostly islands. We need to revegetate the
14 mountains, all of the damage that's been done up there. I
15 feel a little concerned about trusting the management of
16 resources to agencies that have demonstrate -- like the
17 Forest Service -- I hope I don't offend anybody but still
18 it turns out that I read that we spend millions of dollars
19 so lumber companies can make a profit on our land. Is
20 there something wrong with this picture?

21 And then, of course, the topsoil comes downhill
22 to destroy the fisheries. I'm a human life form. I would
23 very much like to see a two tier water system. I think
24 that for the money we spend on one large concrete ditch we
25 could build several desalinization plants. And I think we

1 I am more in approval to natural filtration,
2 conservation and that line of mentality. I think this
3 Board in my opinion is trying to serve a need for some
4 people. It's not the need that we are looking for in this
5 room, I think.

6 Good point (laughter), basically, what I would
7 like to see from the Board at this time is to have a
8 proposal not to proceed with this plan but one that would
9 show us some physical impact on a plan to bring the levels
10 of the water to a safe level, say, a five-year plan. At
11 the end of that period have a level of water quality that
12 might be consistent with drinking, habitat, farming, and
13 whatnot rather than bringing a plan in front of us that is
14 already impacting an ecosystem which is at a low, to the
15 very low ebb point, to propose a plan that's going to take
16 away is detrimental. I feel in a five-year plan if you
17 could improve the water quality, say, 40% almost to a point
18 of safe drinking, then your audience might be a little more
19 receptive in listening to some of your proposals.

20 Thank you.

21 THE HEARING OFFICER: Thank you,
22 Mr. Petersen.

23 Mr. Robinson and after that we'll have --

24 JERRY ROBINSON: I'm Jerry Robinson.

25 I've testified at two of these already so I'll

Page 61

Page 63

1 be real brief. I just have two or three points. I think
2 Central Delta Water Agency hit the nail on the head. I
3 think we need to do everything to help Calfed and Southern
4 California become even more self-sufficient than they are
5 or this is never going to end and I've seen this all of my
6 life and it's been gone over before.

7 Secondly, I live and farm and earn my living in
8 the southern part of the Delta. I'm also a member of the
9 South Delta Water Agency Board, which also is Alex
10 Hildebrand's, one of his jobs that he didn't mention, and
11 we will oppose vigorously any Alternative Three of an
12 isolated canal individually and as an agency. And by your
13 own studies the Alternative Three makes the Central --
14 Southern Central Delta and the South Delta much worse water
15 quality than we have now and we won't stand for that and
16 we'll fight this to the death. It's just become a part of
17 us to protect the Delta the way we see it now.

18 We are not opposed to increased water being
19 exported but only when it protects the areas of origin in
20 the Delta and ways to do it. Now I think a good hard
21 relook at the Alternative Two, you are still not looking at
22 the interior channels of the Delta. You are looking at the
23 western edge of it sucking in that brackish water from the
24 western side of the Delta.

25 And we figure a good hard look at Alternative

1 The main issue is the choice between the water
2 needs of the environment, agriculture, industry and
3 household use on the one hand and government waste on the
4 other hand.

5 For decades, as you know, the Federal Bureau of
6 Reclamation and the State and Federal Water Projects have
7 provided water at less than one tenth of its market value
8 to large agricultural water users in the southern half of
9 California.

10 Much of this water is used on crops already
11 declared surplus by the Federal Government and thus would
12 not even be grown were it not for Federal subsidies. The
13 result is that nearly 25% of California's water is used on
14 crops that contribute 1% to California's economy. In
15 addition the availability of virtually free water means
16 that water users have no incentives to conserve.

17 Taxpayers across the state and across the
18 nation have footed this bill for decades to allow this
19 situation to continue. Now we, the people of San Joaquin
20 County, are being asked to contribute more than our hard
21 earned money. We are being asked to contribute our future,
22 our beautiful and one of a kind ecology and our
23 agricultural land, the one billion plus a year lifeblood of
24 our economy.

25 All this, in addition to a projected eight

Page 62

Page 64

1 Two will be at least as good as an Alternative Three at a
2 much less cost.

3 Thank you.

4 THE HEARING OFFICER: Thank you.

5 Mr. Jesse Baird and then Paul Sanguinetti.

6 And after that we'll have Chris Trott.

7 JESSE BAIRD: Hello, let's start right
8 away.

9 My name is Jesse Baird and I'm here to
10 represent the Libertarian Party of San Joaquin County,
11 about a thousand members county wide. I wanted to discuss
12 one of the issues here before us tonight, the issue of
13 water transfers from the Delta. So far it's been framed in
14 one of two ways.

15 First, it's been framed as a problem which
16 forces us to decide between human water needs on the one
17 hand and the water needs of Delta zoocology (sic) and
18 wildlife on the other.

19 And, second, it's been framed as a problem
20 which forces us to choose between human water needs in and
21 around the Delta and human water needs in the southern half
22 of California.

23 These two questions have certainly become
24 important. I'd like to focus on the problem central to the
25 issue.

1 billion in taxpayer dollars is being asked of us, and also
2 that the tradition of government waste and expenditure can
3 continue to benefit large politically well-connected water
4 users in the southern half of California. We are being
5 asked to give too much to provide too little. My proposal
6 is this: end all new State and Federal Water Projects, do
7 not authorize any additional water transfers. We must
8 start treating water like the limited resource that it is.

9 All water users should have to pay the market cost of the
10 water they bring in from other areas. Water users all over
11 California should have to do what the agriculture, the
12 industry and the people of San Joaquin County have always
13 done, to pay their own way. If crops can be grown in
14 Southern California with water sold at prevailing market
15 values then by all means let them buy their water. On the
16 other hand, if some crops currently grown there are not
17 economically viable with water sold at market cost, and
18 they are not, then I do not see why it is a tragedy if
19 these areas returned to the deserts which they so recently
20 were. It is time to end the colossal waste of taxpayer
21 money. It is time for government to stop destroying the
22 environment for short-term political gain. It is time to
23 allow a free market water which will truly balance human
24 needs against the desire for environmental preservation and
25 in regards to the comments which Miss Reynolds made earlier

Page 65

Page 67

1 regarding eternal vigilance, I am under 30 years of age, so
 2 I'll see you in 20 years.
 3 Until then, thanks for your time.
 4 THE HEARING OFFICER: Thank you,
 5 Mr. Baird.
 6 Mr. Sanguinetti.
 7 PAUL SANGUINETTI: Good evening,
 8 gentlemen, and I've heard a lot of good comments here
 9 tonight and there's been a lot of good things to say so I
 10 am not going to repeat a lot.
 11 I know that the government comes to us farmers
 12 and say "I'm here to help you", and you know that's always
 13 a problem because they never do. They always cause
 14 problems. I am not from the Delta. I am from the east
 15 side of the county and we are concerned about this process
 16 on the east side of the county because then when you're
 17 done with the Delta and done with the areas then we are
 18 next on the list and I feel that the Calfed process is not
 19 addressing the real problem in this State which is there is
 20 not enough water.
 21 You can't redistribute the water and
 22 redistribute the water and make an economy run. If you
 23 want cheap food and you want people to have plenty of it
 24 then you have to have a reliable source of water for
 25 agriculture. This does not supply that. Until there is

1 THE HEARING OFFICER: Thank you.
 2 Misters Chris Trott and then Stan Thomas.
 3 A SPECTATOR: You can delete Stan Thomas.
 4 It's been said.
 5 THE HEARING OFFICER: Okay.
 6 Thank you.
 7 Is Mr. Trott here? Maybe he feels it's been
 8 said, too.
 9 Robin Kirk.
 10 And then we'll have Karin Steele and Don Mills.
 11 ROBIN KIRK: Good evening. My name is
 12 Robin Kirk. My family has been in the county for four
 13 generations. The burden of distributing the largest amount
 14 of money ever earmarked for the Delta is an awesome
 15 responsibility. The turnout here tonight is a strong
 16 indication of the willingness of those present to share in
 17 that responsibility not merely be heard but to have an
 18 impact on the outcome.
 19 There are no quick fixes as we might want in
 20 the interest of time and energy. More realistically I
 21 suspect there are thousands of solutions to the thousands
 22 of problems.
 23 The proposed solutions do not necessarily fit
 24 neatly into the three alternatives.
 25 I work on and in the waters of the Delta. I

Page 66

Page 68

1 more storage facilities, more dams being built to supply
 2 the water that is needed for all of California, not just
 3 for certain areas which this project is going to supply
 4 water for, this thing is totally flawed and I feel that
 5 this Board has blatantly not come to San Joaquin County,
 6 the affected area. This is the first meeting you've had
 7 here. There should have been a lot of meetings here. Now
 8 you are going to have a couple of workshops, and what is a
 9 workshop?
 10 I question that. I mean, what purpose does it
 11 serve? How does it add to the process?
 12 You are going with comment periods and you are
 13 going to end that, and now you are going to go to a
 14 workshop and I question that is it viable to the process?
 15 Is it going to be something that contributed to the process
 16 or is it just another way to say, "Well, we'll give them a
 17 couple of workshops and they'll feel fine. They'll go
 18 home, they'll be happy". We are not happy and if you think
 19 that the Delta is the only area that's going to fight you
 20 on this, if you decide to go with any of these three plans
 21 you are wrong because you're going to have to fight all of
 22 agriculture and we are all going to stand behind each other
 23 on this issue because water is what it takes for us to make
 24 our living and that's what we are going to go after.
 25 Thank you.

1 have monitored fish kills and pollution and taken thousands
 2 of readings on the waterways, and in the studies that I've
 3 been involved in it's critical to the health of a river to
 4 have water flow.
 5 The San Joaquin River is carrying a heavy
 6 burden of pollution for its meager flow.
 7 Diversions of nearly 98 percent of the water at
 8 Friant Dam are choking the life from this river. This
 9 deadly combination of low water flow and the pollution from
 10 multiple sources has resulted in fish that can no longer be
 11 safely eaten. Boaters and skiers avoid the upstream waters
 12 and studies show the health risks to humans when exposed to
 13 the water. I've been a member of the Mayor's Waterfront
 14 Task Force since its inception here in Stockton and know
 15 the economic consequences of a polluted river with minimal
 16 flow. The development of our Downtown Waterfront and the
 17 ultimate revitalization of our downtown is dependent on
 18 finding a solution to our poor water quality. A small
 19 monitoring project is now underway at the waterfront, water
 20 monitoring projects throughout the Delta are crucial.
 21 Our community's health and development are
 22 linked to the water in the San Joaquin River and the Delta.
 23 Adequate flows are critical to our health, the health of
 24 the river and its wildlife.
 25 I strongly request that the diversion ratio of

Page 69

Page 71

1 the San Joaquin River water from Friant Dam be reconsidered
2 to provide much needed flow to the San Joaquin River and
3 our Delta for the benefit of all.

4 Thank you.

5 THE HEARING OFFICER: Thank you, Miss
6 Kirk.

7 Is Karin Steele here, please?

8 KARIN STEELE: Yeah, right here.

9 THE HEARING OFFICER: After that we'll
10 have Don Mills.

11 KARIN STEELE: My name is Karin Steele. I
12 am a member of the Sierra Club. Conservation and
13 efficiency are the key ingredients missing from CalFed's
14 draft.

15 For example, they predict less than one percent
16 of water used by agriculture can be conserved while farmers
17 right now show savings of 25 to 50 percent with innovative
18 programs. The draft documents do not reflect the full
19 potential for water conservation.

20 Conservation can be less expensive and does not
21 harm the environment. It can be increased water
22 supply -- it can increase water supply reliability at a
23 lower cost. Improved water quality for people and
24 increased fresh water flows for wildlife. Innovations in
25 efficient irrigation systems could and should be more

1 irrigating lands that poison our water. Marginal lands
2 that produce run-off with toxins for people and wildlife
3 should no longer be irrigated. Water that is presently
4 used to irrigate those lands should be used to restore the
5 environment. Programs to stop the urbanization of prime
6 agricultural lands should also be part of CalFed's plan to
7 ensure a strong agricultural economy and long-term flood
8 plain protection.

9 And I hear the farmers saying that they don't
10 want to lose anymore prime agricultural land and I think
11 that is very, very necessary, but so much land has already
12 been lost to urban sprawl which is changing the whole face
13 of California and I hope it doesn't continue.

14 Thank you.

15 THE HEARING OFFICER: Okay. Thank you,
16 Miss Steele.

17 Mr. Mills.

18 DON MILLS: Thank you. The Bay Delta is
19 critical to California's economy, supplying drinking water
20 for two-thirds of Californians and irrigation water for
21 over seven million acres of the most highly productive
22 agricultural land in the world, right from the book, a
23 world that will have six billion people to feed in the year
24 2,000. These seven million acres are one of the world's
25 most precious resources and are located in a state that

Page 70

Page 72

1 widespread than they currently are. Some urban areas do
2 not even have meters and we have only begun to top the
3 potential for efficient home fixtures reducing water use
4 for landscaping and water recycling. California needs a
5 more reliable water supply. Our State has the largest and
6 most complex plumbing system in the world.

7 With the staggeringly inefficient use of water
8 in many parts of California there is no evidence that we
9 need major new water supplies which will harm our
10 environment. Calfed should maximize groundwater storage
11 before even considering new surface storage. Calfed should
12 maximize environmentally friendly ways to capture and store
13 water, such as restoring meadows, wetlands and forests.
14 Building or expanding more dams and reservoirs is not good
15 for the environment. Restoring the environment is good for
16 water supply. Wetlands act as natural sponges, slowly
17 recharging water basins below ground. Restoration of
18 wetlands is good for the environment, water supply and
19 water quality. Taxpayer dollars along with dollars from
20 users should be used to restore the Bay Delta and its
21 watershed. Taxpayer dollars should not be used to expand
22 or build new dams, reservoirs or canals. Conservation and
23 efficiency measures are often less expensive options for
24 saving water and improving the reliability of the water
25 supply. CalFed's solution should include a program to stop

1 will grow to 50 million people in 30 years. The quality of
2 the water they drink, the abundance of the food they eat
3 and the recreation and environment they enjoy will be
4 partly decided by the Calfed recommendations.

5 The conversion or retirement of productive
6 agricultural land will be viewed as a huge environmental
7 mistake by the people of California in 30 years. Just as
8 we now recognize the mistakes we have made to the
9 environmental health of the Delta.

10 The 1992 Central Valley Improvement Act, the
11 Bay Delta Accord and the listing of all the new species in
12 the Delta have already taken far too much agricultural land
13 out of production from the lack of a reliable irrigation
14 water supply.

15 The land retirement approach is a shortsighted
16 method that would be called ridiculous by most of the six
17 billion hungry people of our planet. They would view the
18 preservation of valuable farmland as equally as important
19 as the preservation of the rain forests, the ozone layer,
20 the Delta ecosystem or the clean waters of our Earth.
21 Taking one acre of prime California farmland out of
22 production would require three or four acres of land
23 somewhere else to replace its yields.

24 Any long-term solution to California's water
25 problems must include additional multipurpose storage

Page 73

Page 75

1 facilities. We must catch the flood water before it does
2 downstream damage and store and release it when the timing
3 benefits the environmental, urban and irrigation needs.

4 Additional storage makes the goals of Calfed
5 achievable. The beneficial effects of replumbing the Delta
6 will be greatly increased only if more stored water is
7 available for timely release. This is our best chance in
8 30 years to solve some tough problems. Let's not yield to
9 small selfish groups with loud negative voices. We need to
10 choose the alternative that solves not only present but
11 future water problems. Based on your own technical
12 evaluations Alternative Three with storage offers the most
13 potential for increased performance regarding the more
14 critical distinguishing characteristics. It increases
15 opportunities to improve the timing, reliability and
16 quality of water for all uses.

17 Well planned surface storage increases flood
18 control, clean power generation, recreation, flexibility,
19 benefits to fisheries and increases environmental
20 protection, especially in dry years. It is not the most
21 popular choice among some groups.

22 The slogan "Let's get better together" means
23 not helping one sector while hurting another. Alternative
24 Three with storage is the most equitable of the choices for
25 all Californians.

1 In 1929 the Bay Barrier Association proposed a
2 fresh ocean water divider be constructed between Richmond
3 and San Rafael. This would allow San Pablo Bay to become a
4 fresh water lake with ship locks like those used in the
5 Panama Canal, open pipes or an open channel, migration for
6 the flood -- for fish, flood control gates that would allow
7 water in the lake to be drained into San Francisco Bay at
8 low tide. This would also allow a place for winter storms
9 run-off to go and be stored. This would also allow us to
10 keep out the effects of high tides that have been the major
11 cause of flooding in the Delta islands.

12 The environmental concerns of living creatures,
13 from what I've found, is improved with fresh water. This
14 proposal would create jobs, turning the north part of the
15 Bay into a fresh water lake with recreational
16 possibilities, including fishing, warm sandy beaches --
17 anyway, these are just thoughts. This is a picture that
18 was from the Bay model based on what was in the Bay model,
19 which is in Sausalito, which was a barrier that was placed
20 between Richmond and San Rafael at the time and they said
21 that it was used because they didn't want to drain the
22 whole system back into the ocean which is in the model.
23 And I was thinking if it works there, it should probably
24 work in real life. If it incorporated ship locks and maybe
25 a way for fish to migrate around properly, we might have

Page 74

Page 76

1 Thank you.

2 THE HEARING OFFICER: Thank you,
3 Mr. Mills.

4 I will have Dave Wilzbach, followed by Morris
5 Allen and Philip Martin, please.

6 Is Mr. Wilzbach here? I hope I got that right.

7 Especially if you've come all the way from
8 Grass Valley.

9 DAVE WILZBACH: Thank you very much. Your
10 decisions are very difficult to make sometimes.

11 But I would like to start off by saying thank
12 God for water or we wouldn't have this opportunity to meet
13 each other.

14 The main polluter of our fresh water is not the
15 cities, industry or farms but the Pacific Ocean. At the
16 present time, about 40 percent of California's fresh water
17 no matter how many reservoirs we construct or how much
18 fresh water we divert will require each year an effort of
19 pushing the salt water out of the Delta.

20 On the average it takes 30,000 cubic feet per
21 second of fresh water, enough to supply one large house or
22 two small homes for a year. It's also more water than Lake
23 Tahoe has in it, is now required to maintain the fluid
24 barrier that now divides the ocean from the fresh water in
25 the Delta.

1 enough water for farmers, the future and everything else
2 and thank God for this opportunity to talk.

3 Thank you.

4 THE HEARING OFFICER: Thank you,
5 Mr. Wilzbach.

6 Mr. Morris Allen.

7 A SPECTATOR: He already spoke. He spoke.

8 THE HEARING OFFICER: He is no longer
9 here?

10 In that case, Philip Martin, please.

11 Oh, he was the first speaker, we are recycling
12 him. I apologize to Mr. Allen.

13 PHILIP MARTIN: My name the Philip Martin.

14 I'm the Chairman of the Tracy Farm Center Farm
15 Bureau and many of my concerns have been already expressed
16 by Bill Koster but I have two points I'd like to bring up.

17 One, water quality in Old River. It's already
18 a poor quality and I don't see how any of these plans are
19 going to improve the water quality in Old River and I
20 haven't seen any concern given to the new towns which are
21 going to be coming online and dumping into Old River, such
22 as Gold Rush City and Mountain House, let alone the
23 doubling of the population of the City of Tracy and their
24 current plans for a outfall system which will dump right
25 into Old River next to many of our diversion facilities,

Page 77

Page 79

1 which feed our farms.

2 Secondly, you wanted to talk about assurances
3 and, you know, the thing I've seen here is you are
4 basically offering farmers a trade for riparian rights in
5 the Delta for an assurance of reliable water sources.

6 Well, reliable water source means nothing
7 unless it is also an affordable water source which cannot
8 be priced out of the range of farmer's needs.

9 Otherwise, it's just a simple matter of raising
10 the price of water until the farmers can no longer afford
11 it and the cities can take it at will.

12 Thank you.

13 THE HEARING OFFICER: Thank you.

14 Can we hear from Mr. Jim Rowoth, followed by
15 Jack Williams and then Gerald Neuburger?

16 Appreciate your all coming up so you can --

17 JIM ROWOTH: Good evening, my name is Jim
18 Rowoth and I'm the President of the San Joaquin Audobon
19 Society here in Stockton. We have a membership of around
20 600 people here locally. Water is the key to most problems
21 here in California, has been for generations, with our
22 ever-burging population due to natural increase and
23 immigration from other states and countries California's
24 destined to continue growing in numbers and replace growing
25 pressure on our finite natural resources and obviously

1 It its zeal to engineer a solution to the water
2 problem Calfed does not give adequate consideration to
3 environmental concerns.

4 I am a bird watcher and spend a lot of time
5 outdoors observing nature. We need to ensure that there is
6 adequate high quality water to continue to accommodate the
7 huge winter flocks of waterfowl that have relied on the
8 wetlands in the Central Valley for thousands of years.

9 We also need to ensure high quality water to
10 allow for the continuing recovery of salmon runs in the
11 Mokelumne and other rivers and also to preserve riparian
12 corridors which are so vital for breeding of our
13 neotropical migrant birds. And also to make sure that
14 these wonders of our natural world remain for our children
15 and grandchildren to enjoy as well. We have a covenant
16 with nature not to destroy it.

17 In sum I request that Calfed broaden its
18 options to include a smart alternative to restore and
19 protect our water supplies for high quality water for
20 people and wildlife, to promote more efficient and
21 responsible use of waters through economic incentives and
22 effective conservation programs, to maximize efficiency
23 before considering costly building and engineering schemes
24 and that we make sure we share our water with wildlife as
25 well.

Page 78

Page 80

1 water is indeed a finite natural resource despite our
2 experiences this winter.

3 Obviously, all you have to do is turn on the
4 TV. You can see a lot of other areas that are suffering
5 water shortages while we are being deluged with water this
6 winter. So you can't pay Paul without robbing Peter
7 somewhere.

8 And we as a society are incredibly wasteful.
9 Consumption to the max seems to be the montra in American
10 society and certainly in California's society.

11 Eat more, drink more, buy more, use more,
12 bigger is better, more is better. This is nuts. This is
13 foolhardy. This is irresponsible.

14 The three proposals put forward by Calfed fail
15 to take this view into consideration. Conservation and
16 ambiguous is given short shrift. Their needs to be a
17 fourth alternative.

18 Stressing reduced consumption and making all
19 users more responsible for the water we do consume would
20 dramatically reduce the need for more water storage and
21 water delivery schemes.

22 We showed we could reduce consumption during
23 the drought of the 1980's and the early '90's. We have
24 grown complacent with the advent of winter weather in the
25 mid-1990's.

1 Thank you very much.

2 THE HEARING OFFICER: Thank you very much.
3 Mr. Jack Williams and then Gerald Neuburger.

4 JACK WILLIAMS: Thank you for the
5 opportunity to present my short little comments here.

6 Three factors, please.

7 What would be the entity that will actually own
8 the land and own the water after the transfer of land and
9 water is made?

10 That is a question I would like to have the
11 answer to.

12 What is the practicality of paying the farmers
13 certain sums to maintain for all time his ability to farm
14 or his people to follow or whoever wants to farm that
15 farming land and place all future residential developments
16 in the hills, not in good ag lands?

17 Three, the question was asked as to the
18 willingness to pay for all of these vast programs.

19 Public versus private. It seems to me and may
20 I suggest that all public monies are taken from the heavy
21 taxes that really the private sector pays so when you talk
22 about public versus private we are the poor bastards --
23 pardon me -- I mean we are the poor individuals that get
24 stuck for all of it so it's the public. The government has
25 no money. It's our money.

Page 81

Page 83

1 And then one last comment I had here.
 2 Alternative Three was the Peripheral Canal --
 3 no, that's all been taken care of so I won't have anything
 4 more to say to that.
 5 The only other thing I might add and finally
 6 the most important, no ditch, no sons of ditches should be
 7 allowed to take any more water out of the Delta.
 8 Thank you.
 9 THE HEARING OFFICER: Is Mr. Dale
 10 Neuburger here?
 11 A SPECTATOR: No, he went home.
 12 THE HEARING OFFICER: He went home? Okay.
 13 Mr. Neuburger has gone home.
 14 Mr. John Morearty.
 15 JOHN MOREARTY: Good evening.
 16 I'm John Morearty. I am a general building
 17 contractor here in Stockton. I also work with the Peace
 18 and Justice Network producing and hosting a public affairs
 19 talk show for an hour every week on the cable and Chair the
 20 Editorial Board of the Connections Newspaper. It's a
 21 monthly with 8,000 circulation.
 22 I am here to urge you to the alternative of
 23 conservation and water efficiency and to resist the
 24 temptation to indulge in enormous works of water
 25 engineering.

Page 82

1 That means no Peripheral Canal. That means no
 2 more dams on the rivers.
 3 Back in my misspent youth I got a Ph.D from the
 4 University of Chicago in the History of Modern India and I
 5 have a cautionary tale to tell from you Indian history that
 6 bears on this matter.
 7 Some 450 years ago there was an Emperor in
 8 India named Ockbar (phonetic). He was the father of the
 9 Emperor who built the Taj Mahal.
 10 As Emperors go he was a good man. He was just.
 11 He was peace loving and he had a grand notion. He said
 12 let's build a new capitol city on that hill about 40 miles
 13 from his current capitol, best to say if there's water, and
 14 the engineers assured him that there was plenty of water,
 15 they dug some wells, said there is a lot of water there,
 16 let's use it.
 17 So they built the capitol city and the
 18 contractors prospered and the consultants prospered and the
 19 engineers prospered and the peasants paid a lot of taxes
 20 and they built their beautiful city on the top of a hill
 21 with pavilions and open squares and apartments and horse
 22 stables and elephant stables and all of that and they lived
 23 grandly in the city for about 40 years and then the wells
 24 ran dry.
 25 But by that time the Emperor was about gone and

1 the contractors and so forth had lived there lives and the
 2 peasants were still toiling away but they had to abandon
 3 the city after 40 years. It's still there. I've been
 4 there. I've sat there in the sunshine. You can go there
 5 and meditate on the lesson of the folly of engaging in
 6 enormous works of water engineering and the assumption that
 7 water's endless. It's not.
 8 THE HEARING OFFICER: Thank you very much.
 9 We have Mr. William Pauli and then we'll take
 10 another short break.
 11 WILLIAM PAULI: Good evening, and I'm
 12 certainly pleased to go between the son of a ditch and the
 13 history of the Indian. I'm not sure what the significance
 14 of that is.
 15 THE HEARING OFFICER: It's a tough act to
 16 follow.
 17 WILLIAM PAULI: On behalf of the
 18 California Farm Bureau I appreciate the opportunity to make
 19 some short remarks tonight.
 20 We represent 75,000 farmers up and down the
 21 great state and, believe me, we are all deeply concerned
 22 about the impacts that Calfed are going to have on our
 23 operations in agriculture.
 24 We are committed to seeking solutions which
 25 will ensure a reliable and affordable water supply for all

Page 84

1 of California.
 2 California's population is projected to grow by
 3 17 million people by the year 2020 and without prudent
 4 planning our current water deficits will only continue to
 5 grow.
 6 Calfed -- the Calfed process provides an
 7 unprecedented opportunity to craft a plan to meet our
 8 state's water needs for the next 30 years.
 9 Unfortunately, the Calfed plan to date falls
 10 far short of this goal and the objective of providing water
 11 and a future for California.
 12 Current Calfed effort is based on redirecting
 13 agricultures two most vital resources, land and water, to
 14 satisfy other uses rather than developing a reliable and
 15 affordable water supply.
 16 Critical issues for agriculture are increasing
 17 surface water storage, minimizing fallowing, strengthening
 18 in our water rights, protecting areas of origin and
 19 improving water quality.
 20 Instead of redirecting water from productive ag
 21 lands we should concentrate on fully utilizing water that
 22 now flows to the ocean. The storing of water can increase
 23 flood protection while saving water for dry years.
 24 We need to increase our capacity in existing
 25 reservoirs, such as Lake Shasta, Millerton, Los

Page 85

Page 87

1 Vacaras (phonetic) and Lake Berryessa. We also need to
2 take a look at additional offstream storage, both north and
3 south as an alternative.

4 Calfed proposes to file a 250,000 acres of
5 prime agricultural land with senior water rights and in
6 combination with other programs fallowing could approach
7 one million acres of agricultural land.

8 California agricultural land has global
9 significance. As a matter of good public and social policy
10 this land should not be converted to other uses other than
11 agriculture.

12 The protection of ag water rights is key to
13 adopting a long term -- to protecting our long-term
14 interests. Farmers and ranchers depend on established
15 water rights to maintain their livelihoods.

16 Calfed must assure surface and groundwater
17 rights, protect our areas of origin. Calfed should abandon
18 the notion that groundwater can be used in areas feeding
19 the Delta as a future source of water for urban and
20 environmental uses as a guise to conjunctive use.

21 Farm Bureau supported Prop 204 and previous
22 Federal appropriations as a down payment to secure major
23 improvements to the Delta water management.

24 Unfortunately, both have been used to fallow
25 agricultural land and set the stage to redirect water. We

1 Jack Cuwall (phonetic), Matt Featherworth,
2 Louie Mello, Casey Foley, John Williams, G. Cechini, Randy
3 Mussi, David Bugmer (phonetic), and Ed Zuckerman have
4 withdrawn their names.

5
6 (Brief recess)
7

8 THE HEARING OFFICER: We are ready to
9 proceed again.

10 We have about 25 additional people who asked to
11 be heard so we'd appreciate sitting down so we can
12 commence -- recommence the hearings again.

13 Before we proceed farther I'd like to say that
14 Martha Mallory and Sheila DePaolo have asked to be recorded
15 as in support of Karen Steel's comments so the record will
16 show they concurred with Miss Steel.

17 And, as I indicated at the end of our previous
18 session, some ten additional people have asked to be taken
19 off the list because they felt that their thoughts were
20 adequately conveyed by others.

21 With that we'll proceed with Mr. Patrick
22 Porgans, followed by Judy Burich and Jenna Olson.

23 PATRICK PORGANS: My name is Patrick
24 Porgans. I'm with Porgans & Associates.

25 I've been in the Delta now for about 30 years,

Page 86

Page 88

1 continue to support the efforts for a long term solution
2 and we hope that this process will do that but we are
3 deeply concerned about the devil's -- the details and the
4 devil in the detail of the report.

5 Thank you.

6 THE HEARING OFFICER: Thank you.

7 JACK WILLIAMS: Can I make a really clear
8 statement?

9 I'll tell you I bet there's nobody here that
10 would be sitting up there like these people are sitting and
11 I tell you what we ought to do. Just like a little high
12 school yell, let's give them a yell.

13 We'll go "Committee ra-ra, Committee ra-ra,
14 Committee ra-ra".

15 Thank you.

16 THE HEARING OFFICER: This is the first
17 yell that this group has ever had in its 17 hearings, maybe
18 the last.

19 We'll take a brief break. Can we take five
20 minutes this time?

21 You've been very patient and I want to announce
22 this is your last chance if there is something that you
23 absolutely have to say, the last chance to make out a
24 yellow card and we have a number of individuals who wish to
25 be reported and echoing the wishes of those previous.

1 worked every year in the Delta and I am a little bit taken
2 aback by the fact that this Board is composed by all
3 Government people.

4 The records will show I have 60 fact-finding
5 volumes on this based on government data for whatever
6 that's worth, that the primary reason we are in the
7 condition we have here in the Delta is directly
8 attributable to the State and Central Valley Water
9 Projects.

10 The State Water Projects sold more water than
11 it they can deliver. Under the Delta pooling concept the
12 people here were given guarantees, their grandparents and
13 parents and fathers were given guarantees years ago that
14 they would get water when they needed it for the north
15 coast and other areas. The Delta pooling concept is no
16 longer viable.

17 The issue in terms of the Alternative C, I came
18 before this committee before this man, Mr. Snow, was put on
19 it from Southern California, and I said, "I'll come back
20 just when you get to this part of the process". I told you
21 then we are going to go for a canal, and I'm willing to put
22 \$10,000 up that I'll bet anybody, okay, that's how sure I
23 am you're going to get an isolated facility or a partial
24 isolated facility.

25 The isolated facility in and of itself doesn't

Page 89

1 concern me as much as the fact that the way you operate
2 those projects you are not being held accountable and I
3 don't know how you get the nerve to come here talking about
4 taking viable agricultural land out of production to
5 mitigate for what?

6 They don't have a project that they want. You
7 guys want the project. So why are you taking it from them?

8 The other issue is I show that you export more
9 water during the first four years of the drought than any
10 four years of history.

11 We came in and we showed that you illegally
12 exporting water during '91 and '92 and brought it before
13 the State Board and showed that there were several hundred
14 thousand acre feet of water taken which was supposed to be
15 used for the protection of the Delta.

16 The other issue we have here is that this canal
17 is capable of taking out eight to 10,000,000 acre feet of
18 water per year.

19 The problem is is that you gave us a lot of
20 assurances way back then. There was money set aside for
21 Delta facilities under Section 1293 of the Water Code back
22 in 1960. You spent the money.

23 The master drain was funded. The money was
24 spent. That's on the State level, not on the Federal
25 level.

Page 90

1 The other issue is the single largest
2 contaminated water -- continuous contaminated water in the
3 United States is down in the valley and when they get done
4 pushing this Delta through the Peripheral Canal that
5 drainage is coming our way.

6 And I'll be here God willing for another
7 20 years and I'll be holding all of you accountable because
8 I believe you have a public trust responsibility. You've
9 got to get out of these people's lives and make up -- take
10 the lands out of production down in the valley that you
11 artificially irrigate.

12 When you start taking that land out then come
13 back here and talk to these people about doing away with
14 their livelihood.

15 Thank you very much.

16 THE HEARING OFFICER: Thank you.

17 Miss Judi Burich. Did I pronounce that right?

18 JUDI BURICH: It's Judi Burich.

19 Thank you so much. You found the card.

20 Folks, as we speak there is a major new
21 construction going on by the Metropolitan Water District of
22 Southern California.

23 Day and night they are feverishly building
24 tunnels, pipelines and dams to accommodate the transfers of
25 Northern California water to service their customers.

Page 91

1 There are four tunnels being driven, 12 foot diameter
2 pipeline, 50 miles of pipeline, 18 miles of tunnel, a
3 reservoir in Hemet to hold 800,000 acre feet of water and
4 the target date for completion is the year 2000, pretty
5 close to 1999 and the Calfed project.

6 Southern California is out of water and the
7 situation is and has been desperate down there and now they
8 will be able to buy food from other parts of the nation or
9 other nations for that matter so the fact that we lose
10 prime agricultural area up here doesn't probably mean too
11 much to them. They need the water. They need lots of
12 water and they need it now.

13 Calfed tells you what's going to happen to our
14 water on page 5 of their handout (indicating), page 5.

15 Here is my map, Rogene (indicating) (laughter).

16 Funny thing about this map, we have this big
17 problem up here, Geographic Scope of the problem
18 identification but it suddenly becomes a solution down in
19 Southern California, Geographic Scope of the solution.

20 Okay. On this page the last sentence in the
21 paragraph above the map says that sandwiched in between
22 other things "The solution area includes the Southern
23 California water system service area".

24 Did you catch that? Page 5. Who'd have thunk
25 it. Look, this whole thing is about water, more water and

Page 92

1 nothing but water. That's because the whole State is
2 nearing a crises situation centering around the fact that
3 we are just about out of it.

4 Don't be misled or deceived or sidetracked by
5 Calfed's 3500 pages. The issue here is still water.

6 Alternative 1, 2 and 3 are simply three
7 different ways to get our water. It's kind of like saying
8 to a prisoner to death row, do you want to be gassed,
9 electrocuted or hung because the end result is still the
10 same, the prisoner dies and the end result of all these
11 alternatives is that our water is due to be shipped to
12 Southern California golf courses. Why do we have to choose
13 any of these so-called alternatives? If the Delta needs
14 fixing, why can't we do it ourselves? Why can't we the
15 people of Northern California design our own solutions to
16 our own problems?

17 First, let's insist on more water storage in
18 Northern California. Water experts at the California
19 Department of Water Conservation warned that we are quickly
20 reaching the limits of water conservation strategies.

21 A water crisis looms ahead, folks, but the
22 political agencies which should be addressing the situation
23 are strangely silent about the remedy. We need to build
24 the "D" word, dams, dams. Can we say dams? We need them.
25 I guess we'll have to do it ourself.

Page 93	Page 95
<p>1 Thank you.</p> <p>2 THE HEARING OFFICER: Thank you.</p> <p>3 Is Jenna Olsen here?</p> <p>4 Miss Jenna Olsen and then Waldo Holt.</p> <p>5 JENNA OLSEN: My name is Jenna Olsen.</p> <p>6 I represent the Environmental Water Caucus.</p> <p>7 It's a coalition of 14 environmental and</p> <p>8 fishing organizations that have been very involved in the</p> <p>9 Calfed process.</p> <p>10 First I want to say that we support the process</p> <p>11 as evidenced by the huge amount of resources that we've put</p> <p>12 into it.</p> <p>13 We also do have grave concerns about the</p> <p>14 Peripheral Canal, as you heard a lot about it tonight.</p> <p>15 There are not assurances that this facility</p> <p>16 would not mean the death of the Delta which is a very</p> <p>17 special ecosystem.</p> <p>18 Calfed really needs to look at and examine</p> <p>19 thoroughly increased flows through the Delta and the Bay.</p> <p>20 What would that mean for water quality for</p> <p>21 people in wildlife? What would that mean for the problems</p> <p>22 of fish at the pumps?</p> <p>23 Likewise, we have very strong concerns about</p> <p>24 new surface storage. Calfed is charged with improving the</p> <p>25 water supply reliability in California. That is different</p>	<p>1 We must also reduce the toxics, the pesticides</p> <p>2 and the selenium that are in our water, poisoning our</p> <p>3 rivers and our groundwater.</p> <p>4 Groundwater basins are a very important supply</p> <p>5 of water and this is a source that we should not be losing</p> <p>6 to contamination.</p> <p>7 Finally, I'd like to just conclude by saying</p> <p>8 that Calfed's next draft must include and should select an</p> <p>9 environmental alternative that is based on conservation and</p> <p>10 restoration of the environment.</p> <p>11 Thank you.</p> <p>12 THE HEARING OFFICER: Thank you.</p> <p>13 Mr. Waldo Holt and then Barbara Bowers.</p> <p>14 WALDO HOLT: Thank you for letting us</p> <p>15 speak.</p> <p>16 I am the conservation Chair of the San Joaquin</p> <p>17 County Audubon Society. The San Joaquin Audubon Society is</p> <p>18 a local Audubon Society that's in the problem area here.</p> <p>19 Most of what I would say has already been said.</p> <p>20 I'd like to -- most notably by Bill Jennings</p> <p>21 earlier and by Attorneys Herrick and Nomellini.</p> <p>22 I would like to point out that this is the</p> <p>23 first year in certainly in 40 years that cormorants have</p> <p>24 been found to be breeding on the San Joaquin River.</p> <p>25 Cormorants need fish to eat. They feed fish to</p>
Page 94	Page 96
<p>1 from increasing the water supply.</p> <p>2 We arguably have enough dams and canals in</p> <p>3 California. We have tremendous brains in this State and if</p> <p>4 we put our ingenuity and our knowledge and our resources</p> <p>5 into making sure that we're using the water that we already</p> <p>6 have developed as efficiently as possible to make sure that</p> <p>7 our farms, our families, our businesses, our industries and</p> <p>8 our wildlife can thrive, we can do that.</p> <p>9 Make no mistake about it. These offstream</p> <p>10 reservoirs are also dams. The question was asked about</p> <p>11 willingness to pay.</p> <p>12 Users must pay for any new facilities, and that</p> <p>13 recognizes that environmental water that may come from any</p> <p>14 of these facilities would be mitigation for past and</p> <p>15 current damage from exports and diversions from the</p> <p>16 systems.</p> <p>17 The cost of new surface storage is estimated at</p> <p>18 anywhere between 300 and 3,000 acre feet -- dollars per</p> <p>19 acre foot. That's a pretty wide range.</p> <p>20 Right now Friant users pay \$35 per acre foot</p> <p>21 and they are complaining that that cost is too high.</p> <p>22 There are cheaper strategies to improving water</p> <p>23 supply reliability. You've heard a lot about conservation.</p> <p>24 We've heard some about the selection of crops that are</p> <p>25 grown in the area and marginal lands.</p>	<p>1 their babies, and there have been no fish on that river for</p> <p>2 them to utilize for all these years.</p> <p>3 And I think that the solution to the Delta</p> <p>4 problem is to put some water out of Friant into the</p> <p>5 San Joaquin River and I think also that you're retiring the</p> <p>6 wrong farm land.</p> <p>7 I think this is prime farm land here in the</p> <p>8 problem area but the real problem I think is the Westlands</p> <p>9 District and the marginal farm land there.</p> <p>10 Thank you very much.</p> <p>11 THE HEARING OFFICER: Thank you.</p> <p>12 Miss Bowers.</p> <p>13 BARBARA BOWERS: I'd like to sign on to</p> <p>14 Jenna Olsen and to Mr. Holt (indicating).</p> <p>15 THE HEARING OFFICER: Fine.</p> <p>16 Thank you very much.</p> <p>17 Is Nadine Wright here? After that we'll have</p> <p>18 Louis Galli and Don Parises.</p> <p>19 MR. WRIGHT: Good evening, my name is</p> <p>20 Nadine Wright and I'd like to voice my concerns regarding</p> <p>21 the water use efficiency component of this plan.</p> <p>22 On page 6-5 of the Technical Appendix two</p> <p>23 regional water recycling programs are noted.</p> <p>24 One of them, the Bay Area Regional Water</p> <p>25 Recycling Program formerly known as the Central California</p>

Page 97

1 Regional Water Recycling Project is a plan by several
2 Bay Area counties to send up to 650,000 acre feet per year
3 of treated municipal sewage over the hill to be used on
4 farms south of the Delta.

5 The drain water would come back to the Delta
6 via the San Joaquin River.

7 Problems with implementing this plan are huge,
8 not the least of which is that the people in this valley
9 and Delta do not want to be the sewer for 700,000 urban
10 residents. Our Delta would only be degraded by such a
11 transfer of urban waste.

12 Furthermore, given the consumer's concern about
13 food safety, the public simply would not accept that their
14 food was grown with treated sewage.

15 Combine a project like this with an isolated
16 Peripheral Canal and you have plumbed this Delta into a low
17 flow toilet.

18 The Bay Area Regional Water Recycling Project
19 should not be looked to as a part of the solution to fix
20 the Delta. It should be viewed rather as a threat to our
21 San Joaquin River and Delta water quality.

22 Imagine cities taking the cleanest water from
23 Hetch Hetchie or out of the Sacramento and pumping back
24 their waste water into our river system. Increased salt
25 load, contaminants, further degradation of the San Joaquin

Page 98

1 River.

2 Recycling water is a great idea as long as the
3 recycling is in-house. No urban area should be able to
4 pollute outside its own sphere.

5 I suggest that any mention of this type of
6 recycling in the Draft EIR/EIS be tempered with the
7 notation that recycled urban waste water must be used in
8 the area of origin.

9 The other problem with this concept is that it
10 does not increase real water supplies. It does not develop
11 a resource. It does not save the water which runs out to
12 the sea in the wintertime.

13 I am opposed to a plan which relies more on
14 recycling than on sensible long terms to significantly
15 increase water storage.

16 I am in favor of the water users developing
17 their own resources, including recycling and water storage
18 in their own areas to meet their own water needs for the
19 next 100 years, and I would like to submit further comments
20 in writing.

21 THE HEARING OFFICER: Appreciate that.
22 Thank you.

23 Mr. Galli? Mr. Louis Galli.

24 After that we'd appreciate Mr. Parises, you can
25 come up and then Arnold Lenk.

Page 99

1 LOUIS GALLI: Most everything has been
2 said but I have a few comments to make.

3 I notice all you people sitting up there have
4 you ever drank any water from the river?

5 MR. SNOW: (Affirmative nod)

6 LOUIS GALLI: Well, I've got to say
7 something. In the olden days before our water was stolen
8 you could take Victoria Island, Roberts Island, Sherman
9 Island, and all those areas there, the drinking water from
10 the wells wasn't any good but everybody had pipe in the
11 river with an oak barrel and a filter and that was our
12 drinking water.

13 Today that's the most polluted water there is,
14 Not leaving out the Old River where I live now. I've lived
15 out by the river all my life and the Old River is one of
16 the most polluted and terrible rivers there is because
17 there is no water coming down to clean it out and even by
18 putting the rock barrier in when everybody says they'll
19 give us better water, it didn't do anything for us.

20 So, anyhow, our water has been stolen from us
21 to send to the south and I would like for it to come -- to
22 be back with us.

23 So I hope you fellas that are sitting up there
24 take a little passion for us and give us some of our water
25 back. Don't give it to all those people down there. They

Page 100

1 don't need it because they waste it, anyhow, and they also
2 say the farmer wastes water.

3 Have you ever seen a farmer waste water? When
4 he irrigates if he has excess water, where does it go?

5 It goes back in the river, and a lot of farmers
6 don't use chemicals so those that are saying farmers are
7 using chemicals, they don't, but Mr. Nomellini and
8 Mr. Hildebrand said everything and they are some of the
9 smartest people we have here tonight.

10 THE HEARING OFFICER: Thank you, Mr.
11 Galli.

12 Is Mr. Don Parises here?
13 Arnold Lenk and then we'll have Ed Steffani.

14 ARNOLD LENK: Members of the panel, my
15 name is Arnold Lenk and I'm one of the owners of Widows
16 Island on Old River.

17 We've owned it for a long, long time and I'm
18 President of Reclamation District 2127 in the lower Delta
19 just on the western side of Van Sickle which we represent
20 about eight percent of the Suisun Delta Marsh as far as the
21 size of our Reclamation District.

22 The alternate three obviously has been talked
23 about as much as can be said about it and I agree with Mr.
24 Nomellini on this as to opposing it.

25 The part that I think that we all need to kind

Page 101

Page 103

1 of do is maybe put our thinking caps in, our memory caps
2 back on again and recall in 1965, '66, '67 and '68 when in
3 the Chronicle and the paper that's in the area that I live,
4 which is the Contra Costa Times, we were assured when the
5 Central Valley Project was going to be put in with the
6 aqueduct and the water was going to be sent down that two
7 or three things were going to happen.

8 One, is that LA's water problems were going to
9 be solved and basically during that interim period of
10 30 years they were going to come up with some other
11 solutions, which were basically water storage south of the
12 Tehachapis to solve their long term problems. That was
13 number one.

14 Number two was that we were not going to impact
15 the Delta with any deficiency of water which would impact
16 the Suisun Marsh as far as the habitat and the wildlife
17 migratory was one of the largest migratory areas in the
18 western hemisphere and it's really been -- it's having
19 problems because of the lack of fresh water and last but
20 not least is the fact that I just am really appalled by how
21 bold Southern California the populace can be as to their
22 demands.

23 If we were to -- I remember going back in 1976
24 and '77, '78, I had seven children at home with my wife and
25 myself and we're living on 1200 gallons of water a day with

1 because then you're short down there and they are shipping
2 the water during the summer months.

3 So there has to be a really concentrated
4 thought on this entire thing and just with L.A. saying,
5 hey, "We are two-thirds of it, we want more I think is the
6 end".

7 Thank you very much.

8 THE HEARING OFFICER: Thank you.

9 Mr. Steffani is not here. Mr. Alfred
10 Zuckerman and them Betsy Reifsnider.

11 After that we'll have Robert Riplien.

12 ALFRED ZUCKERMAN: Good evening,
13 Gentlemen.

14 I won't take up too much of your time.

15 I've been a Delta farmer for the past 60 years
16 and farmed on many Delta islands, presently on MacDonald
17 Island and Terminus.

18 I'm a member of the Central Delta Water Agency
19 and have been since its inception.

20 You probably know some of my relatives that
21 have been before you many times in Government circles, but
22 I'm the power behind the thrown.

23 Now what I'm going to say next I don't think
24 you're going to like, but, shame on you. Shame on all of
25 you people from the Calfed process.

Page 102

Page 104

1 a brick in my toilet and a restricter on the shower trying
2 to facilitate the household with 1200 gallons of water.

3 I'm down in the Irvine ranch at Big Canyon
4 while they are developing that, Mission Viejo and contrary
5 to what our gentleman from San Diego had to say from Poway,
6 we were sitting up here in a drought with restricted water
7 and down in Southern California they were watering these
8 acres and acres and acres of landscape.

9 You go into a restaurant, there was no problems
10 with water on the tables and last but not least no one
11 really even knew that we're having a problem in Northern
12 California with a drought issue, but to come back up again
13 and say, hey, now 30 years later we didn't take care of our
14 problems down there, now we are saying we need more water
15 again I think really is a bit much and I think the
16 responsibilities of this panel and you people that are
17 involved in this is to in essence say, hey, look, you guys
18 need to start taking care of your own problems down there.

19 Storage is the big deal. There is so much
20 water coming out during the winter months that you can't
21 take the surplus now and even transport it because you have
22 no place to put it.

23 And so what's happening is the surplus water is
24 going out the Golden Gate and when we do need it during the
25 summer months to keep the salinity down, we don't have it

1 What you did in back rooms without us knowing
2 it, coming out with your ridiculous alternatives, none of
3 which in their entirety are acceptable.

4 Sixty years ago this year a man stepped off an
5 airplane in London and waved a paper. He said "peace in
6 our time". Well, gentlemen, we are not going to sign your
7 white paper and go on your assurances because they are no
8 good. They are no better than what you gave Sitting Bull
9 in Washington a hundred and thirty years ago and took away
10 those people's lands.

11 So what I say is go back to the drawing boards
12 and get ready for a good fight.

13 Miss Reifsnider, nice to see you again.

14 BETSY REIFSNIDER: Good evening.

15 Thank you very much.

16 I live in the City of Sacramento and tonight
17 I'm representing just myself.

18 To begin with I would just like to say that I'm
19 very pleased to be able to speak before this distinguished
20 panel and especially before Jan Stevens, who is a
21 particular hero of mine.

22 I also wish to commend the Calfed staff for
23 their expensive public outreach throughout this process.

24 It really has been extraordinary and I also
25 appreciate patient at this very late hour.

Page 105

Page 107

1 You've already heard from many people tonight
2 and also throughout the State that the whole menu of water
3 efficiency options must be aggressively pursued, water
4 conservation, water recycling, comprehensive groundwater
5 management, and I would concur wholeheartedly with those
6 comments. But I wanted to add just one more wrinkle to
7 this. It concerns Calfed's modeling assumptions.

8 And, as I understand it, well, Calfed has a set
9 of common programs, which includes water conservation, and
10 Calfed has developed models which take into account wet
11 year and dry year scenarios, environmental regulations,
12 other constraints and then I believe that Calfed assumes
13 that the Delta pumps will operate at 100 percent of
14 whatever capacity will then be allowed.

15 And my question for Calfed is where does water
16 conservation in the Common Program, how will that fit into
17 this modeling assumption?

18 As you all there know Southern California
19 already has taken great strides in water efficiency over
20 the last few years and I wonder what will happen when water
21 conservation in Southern California, when Southern
22 California conserves more water in the future and I would
23 just like to know how that will be factored in and
24 integrated with the Common Programs?

25 Because from just the cursory reading that I've

1 3.8 billion dollar Shasta Dam expansion.

2 These projects -- I'm also concerned about the
3 so-called offstream storage proposals like the Sykes
4 Reservoir (phonetic) and I would just mention that water
5 quality problems can occur with the Sykes Reservoir
6 Program but I will provide -- as I see the red blinking
7 light -- I will provide that in writing.

8 And I would just say finally the cost of these
9 offstream reservoirs could cost from 1.3 billion to 1.9
10 billion and I would urge Calfed to ensure that the most
11 economically and environmentally viable alternatives be
12 pursued, that conservation recycling be integrated into
13 your modeling scenarios.

14 And as a last note I just must point out that
15 water flowing out into the Bay-Delta is not wasted water.
16 Thank you.

17 THE HEARING OFFICER: Thank you.

18 Mr. Robert Riplien and then Tom Zuckerman.

19 A SPECTATOR: Riplien is not here.

20 THE HEARING OFFICER: Okay. Thank you.

21 Is Tom Zuckerman here? Yes, Mr. Zuckerman and
22 then Dante Nomellini, Junior.

23 TOM ZUCKERMAN: We are doing it by generations
24 here.

25 I would just like to say I've gotten a lot of

Page 106

Page 108

1 done so far it appears to me that there is a disconnect
2 between Calfed's modeling assumptions and the Common
3 Programs.

4 I also would strongly urge you with all due
5 respect to DWR not to use Bulletin 160-98, the California
6 water plan, as the basis for any planning under Calfed.

7 I believe that it's not an objective analysis
8 of California's future water supply and I believe that it
9 dramatically overstates the future gap between supply and
10 demands.

11 For instance, some independent analyses has
12 shown that Bulletin 160 actually overestimates future water
13 demands by about a million acre feet.

14 In the water efficiency Technical Appendix I do
15 wish to support Action 4, the management improvements to
16 achieve multiple benefits.

17 Calfed should develop such a program, and I
18 urge you to concentrate much more fully on this aspect of
19 agricultural water efficiency.

20 And I'll skip ahead to my final point, which is
21 new storage.

22 I'm concerned with the 23 new dam diversion and
23 canal proposals.

24 Many of these proposals have been studied
25 before and rejected because of their high cost, such as the

1 comments from you people over the years and isn't there
2 anybody else that we can talk to down in the Delta?

3 Do you get tired of seeing Alex and Dan and
4 myself and John and so forth up there.

5 Well, from now on I'd like you to be able to
6 blink when we stand up in front of you and get a picture of
7 this audience here tonight and think that all of those
8 people are talking to you because I think you see that we
9 have a strongly involved community here that believes
10 firmly in these issues.

11 Many of these same people we were marching side
12 by side on a referendum 19 years ago and probably will be
13 20 years from now.

14 So these issues don't change a lot around here
15 and there's very common feelings about it. People feel
16 very strongly about it and they're willing to fight for
17 their beliefs.

18 I feel privileged to have been able to
19 represent many of the people, perhaps most of the people in
20 this room at one time or another on these issues for over
21 30 years now, and it's, I think, a privilege for me to be
22 able to hear and to have such an esteemed group of people
23 from Sacramento here tonight.

24 This is a nice complimentary showing that
25 you've made and I want to thank you for that.

1 I didn't really come here to talk on behalf of
2 the Central Delta Water Agency directly, but, as you've
3 found out a couple of speakers ago, I am a member of a
4 family that has owned land and farmed, hunted and fished
5 and recreated and so forth in this area for a long time
6 back from the reclamation of the lower Delta islands.

7 And I am a landowner in the Delta and I wanted
8 to tell you that I think it's important that you not
9 blindly start drawing lines on maps to setback levees and
10 flood islands and so forth.

11 What we do is in our view is we go out and we
12 raise a crop. We send money into the community that
13 reverberates around quite a bit, supports many industries
14 and jobs and public agencies and so forth in the community.

15 I think our practice is typical of the people
16 in the lower Delta. When we harvest that crop we leave
17 some of it in the field and we flood it, and we attract
18 thousands -- hundreds of thousands of different types of
19 birds into the area, some of which we hunt.

20 I had a naturalist from London out here a
21 couple years ago that took pictures and he was absolutely
22 amazed, and he had his method of calculating the birds and
23 he said "You know there is over 15,000 swans on this
24 property and over 75,000 ducks".

25 He said "That's not only more ducks than I've

1 several reasons. The reasons that have been said. It
2 completely eliminates the exporter's common interests in
3 the Delta and not only that but it seems to be a clear
4 violation of the Delta Protection Act of 1959, which
5 established that common pool, but the biggest reason that's
6 convinced me of why Alternative Three is bad is because
7 when it comes down to assurances that's, I guess, put off
8 to a later stage.

9 When it comes down to assuring the Delta
10 interests that there is going to be enough water for their
11 agriculture, recreational, environmental, industrial
12 interests, the only assurance that I -- you know, that
13 makes sense to me and I would hope would make sense to you
14 is to keep the exporters having that common interest in the
15 Delta. Without that there's no guarantee that any of these
16 rules are going to be followed. Like there is trouble
17 enforcing rules as it is now. Rules are violated, rules
18 are changed, but keeping the exporters feeding from the
19 same water as the Delta is guarantees us probably as best
20 as it can be that the Delta will be protected. And I thank
21 you.

22 THE HEARING OFFICER: Thank you.

23 Mr. Hartmann, thank you.

24 GEORGE HARTMANN: My name is George
25 Hartmann.

1 ever seen and waterfowl than I've ever seen but it's
2 probably more than exists in the British Isles", and we do
3 that -- if you start talking about taking this land and
4 putting it into other uses you are going to destroy that.
5 You are going to increase water consumption. You are going
6 to destroy the economy of this area.

7 Fortunately, I'm just going to take one second
8 here -- we are working cooperatively, a group of us
9 representing all these areas to come up with an inventory
10 of opportunities that you may have in this area to create
11 habitat without doing significant injury to the assets that
12 I'm talking about.

13 I believe time has been set aside on the BDAC
14 calendar in Fresno, which I think the meeting is in June,
15 is it not?

16 MR. SNOW: Uh-huh (yes).

17 TOM ZUCKERMAN: And we think we'll be
18 prepared to make that presentation to you at this time.

19 Again, thank you for your attention.

20 THE HEARING OFFICER: Mr. Dante Nomellini,
21 Junior, followed by George Hartmann and Deborah Miller.

22 DANTE NOMELELLINI, JR.: Hello, my name is
23 Dante Nomellini, Jr. And I was born and raised on Roberts
24 Island. I am just speaking on my behalf real quick.

25 I'm totally against Alternative Three for

1 I've presented written comments to you. I
2 represent two Reclamation Districts, various marinas, a
3 water company, lots of farmers, and I am now not speaking
4 to you as a lawyer. I'm going to make personal comments
5 and I want that clearly distinguished because I'll say
6 things I probably shouldn't say as a lawyer.

7 My grandfather's name was Morris Zuckerman.
8 You've heard from several Zuckermans tonight. He started
9 farming here in the early 1900's. He was Tom's
10 grandfather, just like mine. I have a strong attachment to
11 the area.

12 The first thing I did when I graduated from
13 Stanford Law School and went to work for Tom was to write a
14 appeal against the Peripheral Canal, and then we fought a
15 battle against the peripheral canal. That was 24 years ago
16 that I started doing that, and I guarantee you I'll spend
17 the next 24 years fighting the Peripheral Canal,
18 guaranteed. I think this is a dishonest process. I'm
19 highly offended by the text, by the concept that you are
20 here to solve our problems.

21 I don't think government ever solved a problem
22 and I don't think that's your goal. And I don't mind
23 saying that for the record. If you really wanted to solve
24 our problems you have a very simple easy solution, turn off
25 the pumps. Problem solved, Delta water quality restored.

Page 113

1 There is no more water to export.
 2 The goal of this process is obviously to export
 3 more water. I think this is a set piece. I don't think
 4 for a minute the process is objective, and we are prepared
 5 to fight and we will fight and there is a lot of solidarity
 6 here.
 7 Let me close by saying I hope for fair
 8 treatment. I hope for objective consideration, but you
 9 folks have been pushing this for a long time and the
 10 Peripheral Canal is still an alternative.
 11 Until you take that off, until you sit down and
 12 talk to us on a level playing field with an unstacked deck
 13 I'm just thinking about fighting and I'm ready.
 14 Thank you.
 15 THE HEARING OFFICER: Deborah Miller,
 16 followed by Bill Reynolds and Karna Haringfeld.
 17 DEBORAH MILLER: Yes, my name is Deborah
 18 Miller. I am a candidate for Supervisor for District 4 in
 19 this county.
 20 However, this evening I'm here as a concerned
 21 citizen of San Joaquin County. In all the literature and
 22 the newspaper articles it's stated that this is a State and
 23 Federal plan to "fix the Delta". Calfed chose three plans
 24 with little or no input from San Joaquin County. You
 25 proposed two plans that move water through canals or

Page 114

1 channels around the Delta and then another one that moves
 2 some water through the Delta but takes the land out of
 3 production.
 4 You are telling us that one of these plans will
 5 be voted on not by us but by you to in 1999 and then put
 6 into use to "fix the Delta".
 7 You don't need to be a rocket scientist to know
 8 that none of these plans "fix the Delta".
 9 Any high school student can tell you that not
 10 allowing the water to travel through the Delta is going to
 11 escalate the pollution and the stagnation in our system.
 12 San Joaquin County has been promised over and
 13 over again that we are going to be fixed, funded and given
 14 more water and every time it becomes available we are
 15 always watching it go to someone else.
 16 Now you want us to give you our blessing to
 17 take more water from us and to also take land away and then
 18 to thank you for "fixing the Delta".
 19 I'm sorry but this time we are not going to buy
 20 it. There is a quote or a statement in a movie network
 21 that says, "We're mad as hell and we're not going to take
 22 it anymore".
 23 That pretty much tells you that we are willing
 24 to fight and we are going to protect our Delta, our water
 25 and our land. If you really want to fix the Delta, get

Page 115

1 input from San Joaquin County. Look at cleaning out the
 2 north fork of the Mokelumne River. Create more storage
 3 outside the Delta and forget about the land retirement.
 4 Then we, San Joaquin County, can really start to "fix the
 5 Delta".
 6 Thank you.
 7 THE HEARING OFFICER: Thank you.
 8 Mr. Bill Reynolds.
 9 And then Karna Haringfeld and Hank Wilby.
 10 BILL REYNOLDS: Good evening, it's late.
 11 A number of things I had planned on saying I will skip
 12 over. I do want to echo the previous comments about the
 13 major redirected negative impacts on both the Delta, San
 14 Joaquin County and the -- its economy from conversion of ag
 15 lands to habitat. These are contained in each of the
 16 alternatives that have been proposed.
 17 The multiplier effect that's proposed in your
 18 Draft EIR 3.2 is simply not adequate to demonstrate the
 19 peripheral effect of dollars through the county. That
 20 needs to be re-emphasized. I kind of get the idea reading
 21 through here that you kind of want to turn the clock back
 22 about a hundred years and create some meandering Delta
 23 channels that might have once existed. I'm not sure that
 24 you can ever go back. We can't go back to our childhoods
 25 and you can't go back to what once existed, particularly by

Page 116

1 destroying the work of thousands of our ancestors that gave
 2 their lifeblood to put some of these islands and things
 3 together.
 4 The Delta has problems that it did not make for
 5 itself. Additional plumbing won't fix the problems. The
 6 common pool concept is the only way to go where others
 7 share the same quality of water we presently use. Southern
 8 California needs to take positive steps to increase its own
 9 water supply through increased levels of water treatment,
 10 desalinization and conservation. The Friant water users
 11 need to bring some sacrifice to the table.
 12 Assurances have been mentioned several times
 13 this evening. I think both Tom Zuckerman and Dan Nomellini
 14 have long lists of previous unfulfilled promises to the
 15 citizens of both the county and the Delta. They'd be happy
 16 to enumerate them for you at a later time and now you're
 17 asking us to believe that assurances are available. Our
 18 thought very plainly is that assurances can be changed.
 19 You folks are not always going to be the ones that are
 20 listening to us.
 21 It was curious this evening to see in the
 22 earlier slide show that tonight's introduction is the first
 23 mention publicly that I've seen of any offstream or
 24 onstream below ground storage in the plan. This was not
 25 mentioned at all in the Walnut Grove hearing, which we

1 attended.

2 In fact, it was said very plainly that that was
3 out of the question, there were too many negative impacts
4 and costs to do offshore storage. Perhaps this is
5 adaptive management.

6 Sources of funding for programs that don't have
7 costs that have been identified is just a real big
8 question. I don't know where the dollars are going to come
9 from. It's been said earlier that the taxpayers are the
10 ultimate source.

11 Thank you very much.

12 THE HEARING OFFICER: Thank you.

13 Thank you, Miss Haringfeld.

14 KARNA HARINGFELD: Hi, I'm Karna
15 Haringfeld. I'm here on behalf of Stockton East Water
16 District.

17 Ed Steffani was going to present to you some
18 ideas that we had for conjunctive use projects but he had
19 to leave early so we will be submitting those in writing.

20 The one aspect I wanted to cover today, I gave
21 you roughly nine pages of comments that we have on the
22 Phase 2 report. We will be submitting additional comments
23 on the EIR/EIS at a later date prior to the July 1st
24 deadline, but the one aspect that I wanted to comment on
25 today was the compliance with the area of origin in

1 they're doing it in an inappropriate fashion.

2 This is highlighted in the financing scheme
3 proposed by Calfed.

4 Basically it turns the whole concept of area of
5 origin on its head. The Calfed financing concept
6 anticipates that the common elements will be funded by the
7 public funds.

8 Basically we will use public funds to redress
9 the injury that was caused by the export projects. We
10 think that the storage components -- and the storage
11 components will be paid through user funds, you know,
12 benefit based approaches. Under the Calfed financing
13 proposal we think that export users are going to receive
14 further subsidies and the area of origin users will receive
15 no subsidy and will be required to pay the full cost of
16 development of the projects needed to meet their needs,
17 including the full cost of environmental mitigation.

18 We believe that it must be acknowledged that
19 the area of origin and storage components have not only a
20 benefit to our area but to the entire State of California.
21 We think there are basically four things that Stockton east
22 would like to see. We think that the way for Calfed to
23 proceed is four fold. First, area of origins should be
24 entitled to priority for the water developed by the
25 project.

1 watershed protection rights.

2 As it currently stands it appears to us that
3 the actions and methods proposed by Calfed would directly
4 violate the statutory requirements.

5 In the Phase 2 interim report Calfed notes that
6 it "will support the concept of area of origin". It is our
7 belief that you need to do more than support the concept of
8 area of origin but you must acknowledge that these are the
9 law of the State of California.

10 There are a number of examples in the Calfed
11 document that serve to show our greatest fear over your
12 lack of adherence to the area of origin laws. The biggest
13 one you will find is in the financing component of the
14 Calfed documents.

15 Essentially as you all know the area of origin
16 productions were put in place, the State and Federal Water
17 Project could construct their Water Projects with the
18 promise that we would be entitled to water when, in fact,
19 we needed to -- when we needed the water.

20 Two things happened since our compromise.
21 Basically the State and Federal project have impacted the
22 Bay Delta estuary far more than anyone anticipated and
23 secondly many of the areas of origin have expanded and the
24 need for the water is here and now. Calfed is attempting
25 to address both of these projects. However, we think that

1 If area of origin use the facilities, we think
2 we should pay for the facilities, those that have caused
3 the injury should pay for the required remediation and
4 lastly we recognize that new water supply storage needs to
5 be developed for the export uses. So with that you can
6 take a look at our nine pages. Thanks.

7 THE HEARING OFFICER: Thank you.

8 Mr. Hank Wilby.

9 HANK WILLY: Willy, W-I-L-L-Y.

10 THE HEARING OFFICER: Willy, I'm sorry,
11 W-I-L-L-Y. Right?

12 HANK WILLY: Yeah. My writing isn't
13 always too clear.

14 Ladies and Gentlemen, my name is Hank Wilby.
15 I'm the manager of a small irrigation district
16 in southwest Amador County.

17 Conservation of water and flood control cannot
18 be separated. The run-off occurring in flood years is the
19 water which must be stored and held over. That is,
20 conserved for dry years.

21 Any solutions to a local flood problem which
22 merely accelerates the flow of flood waters to another area
23 or to the ocean is wasteful and intolerable. We will be
24 wise to develop all our available reservoir capacities to
25 obtain the maximum year-to-year storage of water which is

Page 121

Page 123

1 drought protection.

2 There is no alternative means with which we can
3 protect ourselves from drought.

4 The December 1861, 1862 January flood produced
5 a volume of water temporarily stored in transit on the
6 floor of the great Central Valley amounting to six times
7 the proposed and existing volume of reservoir space
8 allotted during the 1960 period.

9 This would mean a level of water approximately
10 ten point five feet above mean sea level and four feet
11 above the presently considered maximum flood level for
12 design, and this was measured at the Collinsville area,
13 which is where the San Joaquin and Sacramento rivers come
14 together. The storm produced flood waters of 23 feet in
15 the town of Sacramento and 14.4 feet down Main Street here
16 in Stockton.

17 More devastating floods occurred in 1905, '38,
18 '50 and '55 and most of you can remember the drought and
19 flood cycles of more recent years. This brief look at the
20 past is contained in a comprehensive Public Works plan
21 which included a step-by-step water plan for California.

22 This plan and support data was prepared by
23 Charles M. Weber, the grandson of Captain Weber, founder of
24 Stockton. This plan was presented to the State legislature
25 and adapted January 28th, 1960 and of course this was

Page 122

1 considered a drastic change and California politics could
2 not face the flood and drought facts of real life. I see
3 I'm running out of time.

4 So much fresh water flowing into the Bay Delta
5 causes damage to the ecosystem. More fresh water did not
6 apparently flush out or reduce any non-native species and
7 no evidence was found that more native fish were
8 propagated. Now we are again faced with the solution to
9 the California water problem.

10 And I plan on sending in a report before
11 July 1st and I will give you copies of this for your review
12 (indicating).

13 THE HEARING OFFICER: Thank you very much,
14 Mr. Willy.

15 HANK WILLY: Three minutes is not very
16 long.

17 THE HEARING OFFICER: We understand.
18 There is going to be a voluminous written record. We
19 appreciate it.

20 Is Mr. Philip Balmat here?

21 PHIL BALMAT: Yes.

22 THE HEARING OFFICER: After that Jack
23 Sieglock and Michael Hayes. Thank you.

24 PHIL BALMAT: Hello, my name is Phil
25 Balmat and I live on Roberts Island in the Delta.

1 Listening to the story that the owner of
2 Willows Island was telling a little while ago I have a very
3 similar experience having gone to Disneyland.

4 I took my kids down there and during this
5 drought I'm taking a shower with a five-gallon bucket
6 underneath me, taking the drain water, giving to the wife,
7 she's putting it on the flowers in the backyard. Go to
8 L.A., we are down there, taking the kids along and I ask
9 the taxi driver "How are you guys getting along with the
10 drought?"

11 He says, "The what?"

12 I went to the restaurants and the cafes, went
13 to the hotel and asked them, "How are you guys getting
14 along with the drought?"

15 "The what? We have no problem with water."

16 Excuse me if I'm a little bit cynical on this
17 thing. I'm just a little curious as to how this thing is
18 fair to all, how is this fair to the Delta? First of all
19 you take the water away, hurt the water quality by your own
20 admission and then you say, "We are going to take 150,
21 200,000 acres out of production". What did we do to have
22 you take the 200,000 acres away from us? If you're going
23 to do this and it's fair to all then let's go to the people
24 that are getting the benefit of the water, let's take
25 200,000 acres out of production in the San Fernando valley.

Page 124

1 That sounds like a rhetorical thing, I know, but I'm dead
2 serious about this. If you would propose this to them and
3 say, "Folks, we are going to take 200,000 acres of houses
4 out of here because you're getting the benefit", they would
5 look at this thing a whole lot differently than the way
6 that they are looking at it now.

7 With regard to assurances, when this thing has
8 something written in it that says that water quality in the
9 Delta, a standard set by agriculture is going to be the key
10 that determines how much water is shipped south and that
11 that standard cannot be changed, if the water quality
12 drops, then, in fact, no water gets to go. Now you've got
13 my interest. Now you've got me believing that maybe you
14 are genuine. Until that happens I don't believe it. I
15 don't see any way in God's world that you can do a
16 Peripheral Canal and do anything but destroy the Delta.
17 You can say we're going to do this. You can say we're
18 going to do that but when water goes around it, it doesn't
19 go through it your causing yourselves problems.

20 And lastly I would say that I would propose
21 that any legislation that says that no new houses can be
22 built anywhere in the State of California unless you the
23 owner, the builder of the house can show me where you're
24 going to get the water from your own means not from taking
25 it from somebody else.

Page 125

Page 127

1 Thank you.

2 THE HEARING OFFICER: Thank you.

3 Mr. Sieglock.

4 JACK SIEGLOCK: Good evening, my name is
5 Jack Sieglock and I have the pleasure of serving as the
6 Mayor of Lodi and I wanted to echo many of the concerns
7 already voiced this evening and also just let you know that
8 the City of Lodi has a great deal of concern about this
9 project.

10 One reason is relative to the economic impacts.
11 I think Miss Reynolds did a great job. We have a number of
12 packing sheds. We have General Mills in Lodi. We have a
13 cannery in Lodi and I really think that you need to
14 evaluate, you know, the impact on those industries as well
15 as industries like restaurants. Farmers, they do a good
16 job, I talk to a lot of them in restaurants a lot. You
17 know, they are buying shoes, they are buying trucks, they
18 are buying cars. Agriculture is San Joaquin County and
19 agriculture is our most important industry. Lodi is the
20 largest grape growing region. So you may not be taking
21 grapes out of production but regardless of that the other
22 land that you're considering those farmers come to Lodi,
23 too, and they shop there and we are very concerned about
24 that a lot of businesses may be marginal and the amount of
25 revenue that you take away from the community as a result

1 that projects but other projects to increase our water
2 supply and I think that those projects need to come first
3 before you talk about any more water going any place. And
4 those projects need to be built. I think those promises
5 were made by the Bureau of Reclamation many years ago that
6 we were going to build an Auburn dam and I think until that
7 promise is fulfilled it's difficult to talk about promises
8 relative to the Calfed process.

9 Another concern I have is relative to the City
10 of Lodi actually operates White Slough, which is on the
11 Delta. We are concerned about different requirements you
12 might have for the operation of our facility and there is
13 actually needs to be reconciled between does the government
14 want to have us dispose of our water on the land or do we
15 get to continue to use discharges into the Delta so I think
16 you need to reconcile that for us, too, and we'd like you
17 to help us finance that in that regard. So I thank you
18 very much. We will submit more formal testimony to you and
19 again I'd like to have you come to Lodi.

20 Thank you.

21 THE HEARING OFFICER: Thank you,
22 Mr. Mayor.

23 Mr. Hayes and then Dick Klein and Al Brizard.

24 MICHAEL HAYES: Hello, my name is Michael
25 Hayes, a Solano County resident. I came here to speak

Page 126

Page 128

1 of this project could absolutely be devastating. So I
2 really think you have to give that a lot more consideration
3 and I agree with Congressman Pombo's comments in that
4 regard. Another thing is I want to invite you to Lodi.
5 You said you were going to have another hearing. We will
6 accommodate another hearing in Lodi. You can call my city
7 clerk. You can call me. I think it's worth having one in
8 Lodi.

9 Again, we have a lot of agriculture in Lodi.
10 You said you are going to have two more. I think Lodi
11 would be a great place to have one of those two hearings.
12 Another thing I wanted to agree with was relative to the
13 Peripheral Canal and I agree with Dante John Nomellini's
14 comment that really I think for us to take you seriously
15 you really ought to take the Peripheral Canal off the
16 table.

17 I think for us, you know, to look at this more
18 seriously I really think that his advice relative to that
19 proposal of removing it is a good one.

20 Another thing I think you ought to do is I know
21 that a few years ago you started reoperating Folsom Dam and
22 we actually went backwards relative to the amount of water
23 we have. I think that you ought to give strong
24 consideration to building a multipurpose Auburn dam as it
25 was originally envisioned and I am supportive of not only

1 about an issue that really doesn't seem to get too much
2 coverage. People don't seem to talk about that much. It's
3 the population issue and I think that we tend to lose track
4 talking about water all the time, that we are really
5 talking about population. The population in California in
6 1900 was less than two million. When I was born in Solano
7 County the population of Solano County in 1972 when I was
8 born was, oh, about 20 million. Today the population of
9 California is 33 million and the population projections
10 that are being forecast by the State Department of Finance
11 and the various agencies that do those types of forecast
12 suggest that we are going to be getting 45 to 50 million
13 residents in the next 20 years or so, all within our
14 lifetimes. My main thing is if your generation is having a
15 hard time managing the state with 33 million residents then
16 how is my generation and the younger generation going to be
17 able to manage the state with 45 or 50 million residents?

18 So I really don't see this as being a water
19 issue as much as a population issue. That's my main thing.
20 The political forces that are in power right now they do
21 not want to talk about politics in terms of population.
22 That is a very unattractive issue to deal with. But it's
23 obvious to me it's going to have to be dealt with and we
24 are going to have to stabilize the population of California
25 at some point because there is a finite limit as to how far

Page 129

1 we can spread out. Much of our agricultural land is being
2 developed and my question is when is it going to stop?

3 Again, it's a management issue. It's not an
4 environmental issue, it's a management issue. You can't
5 constantly keep building more schools and more roads and
6 throwing an infrastructure, building more dams and doing
7 all of the ins and outs without looking at population. We
8 have to stabilize the population. We can't do that while
9 all of these things are being built and all of these
10 projects are being approved. So I would like more and
11 more-focus to be placed on the population issue in an
12 effort to stabilize it and I would hope that the agencies
13 that make up Calfed would make more of an effort to
14 stabilize the population or at least to use that as an
15 argument to address some of the issues that California is
16 facing because this growth issue is not going to go away
17 and I really don't know how we are going to be able to
18 manage the state as the years go on.

19 Thank you.

20 THE HEARING OFFICER: Thank you.

21 Mr. Klein.

22 DICK KLEIN: Good evening, my name is Dick
23 Klein.

24 I'm a third generation Stocktonian whose family
25 has been involved in farming in the Delta for over 75

Page 130

1 years. Although I am not a Zuckerman, I was born and
2 raised as one of them. My grandfather goes back to farming
3 with Al's dad as well as other Zuckermans that I'm
4 currently close friends with.

5 The quality of water is critical to any farming
6 operation and to its underlying land values. As the land
7 values will deteriorate that would substantially cause an
8 economic hardship to all the people that are farming in
9 this area.

10 I'm adamantly opposed to anything that would
11 lower the quality of our Delta water. I was against the
12 Peripheral Canal as were the majority of our California
13 voters when it was defeated in 1982.

14 I remain opposed to any other isolated canal
15 designed to pass or bypass the Delta regardless of any name
16 or disguise it is given.

17 We provide over 4,000 acres of wintering
18 habitat for wetlands in the Delta during the winter season
19 and by doing such I've become quite a duck hunter and I've
20 learned to recognize that if it looks like a duck, walks
21 like a duck, quacks like a duck, then it must be a duck,
22 and in this case a lame duck. Alternative Three should not
23 even be considered since it's already been defeated by the
24 voters of this state.

25 I thought for a number of minutes before I even

Page 131

1 came up here, I've been here over four hours, that I would
2 bypass my thoughts since everybody has covered them with
3 regards to the Peripheral Canal but the voters of
4 California also told you that we did not want a Peripheral
5 Canal and yet it's still coming back as one of the
6 alternatives that should be considered and I'd just like
7 to -- obviously, we need to tell you again and I'm here to
8 tell you again that we don't want a canal.

9 Some combination of Alternative One and Two
10 could be focused on. Common water pool, Delta pool,
11 quality, it helps everybody that's here in this room so
12 that should be a focus of what we are looking at.

13 Keeping in mind that mother nature is really
14 the boss, I think back to the El Nino years of this year
15 and the drought years, regardless of what we plan, Mother
16 Nature holds the keys.

17 As far as converting agricultural land or
18 leaving it fallow I'm against that. It creates an economic
19 hardship for our community as well as creating additional
20 problems for young people to get started in farming.

21 If you took out 150,000 acres of farming out of
22 this area the competition for the remaining land is going
23 to go up. Rents are going to go up and it's going to be
24 more difficult for those people to expand or survive in the
25 economic community that we are involved in.

Page 132

1 In addition, I mentioned I'm President of the
2 Reclamation District 2037, which is Rindge Tract. Earlier
3 tonight I heard that the Delta levees are deteriorating
4 significantly. I just don't know whether that's true. I
5 know as far as our Reclamation District we are in the best
6 shape we've ever been. I've been involved in it since
7 1975, and I know of other islands in the Delta that are in
8 substantially better shape than they were 20 years ago.

9 This winter we experienced the highest tide in
10 recent history with no major breaks or problems. The
11 problems occurred north, the problems occurred south so
12 hiding behind the guise that the Delta levee system is
13 adequate, we need to go around it to get the canal in is
14 totally unacceptable. We farm over 7500 acres of farmland
15 and I vow to you that I will place my economic support in
16 defeating anything that comes back with the canal written
17 on it.

18 Thank you.

19 THE HEARING OFFICER: Thank you.

20 We have Mr. Al Brizard and then Lynn Loy and
21 Jim Nielson.

22 AL BRIZARD: I finally am able to put the
23 names and faces of the ubiquitous "they" that I've heard
24 about for the last year-and-a-half and also the infamous
25 "he", namely, Mr. Snow.

Page 133

1 My name is Al Brizard and I'm pretty much at
2 the other end of the scale as the Zuckermans, the Kleins
3 and the other people you've heard from tonight.
4 I farm 17 acres of walnuts in Patterson on the
5 west side. The actual net acres is 13 in walnuts. The
6 balance is dedicated to county roads, an old barn and a 45
7 year old house. I suppose I have never seen the Calfed
8 process say anything about the small farmer. I literally
9 am a small farmer in any sense of the word. I am a
10 graduate of Fresno State College with a Bachelor of Science
11 in Agriculture. I constantly bug our County Ag Extension
12 Office on a regular basis for the latest information and
13 advice.

14 I have studied the three preferred alternatives
15 now being considered and in their present conceptual form
16 no matter which one is chosen I will probably be eliminated
17 from farming.

18 I have to think that other small farmers would
19 suffer the same fate. The problem lies in the priority of
20 solutions. With the so-called Common Program being ahead
21 of the storage program.

22 My farm is entirely dependent upon surface
23 water for irrigation. If we pursue the programs of
24 conservation efficiencies, watershed management, land
25 retirement, et cetera, ahead of developing new water for

Page 134

1 the new population I would need to drill a well. My
2 revenue from farming would not be enough for a bank to loan
3 me the money a new well would cost. I have one of the
4 highest efficiency ratings ever achieved in my resource
5 conservation district for flood irrigation. I would like
6 very much to install a sprinkler system. I would like a
7 new well. No bank will loan me the money necessary.

8 My neighbor with 160 acres does not have a
9 similar problem nor do the Zuckermans or the other people.

10 His cash flow and bottom line make for a viable
11 loan for the bank when he has to drill the new well and put
12 in the sprinkler system.

13 At an editorial board meeting the other
14 day with the Modesto Bee I was asked if increased storage
15 was the solution to our water problems. My answer was no
16 but that without significant increased storage there could
17 not be a solution.

18 The Calfed solutions as presently envisioned
19 will certainly speed up the consolidation of individual
20 farms. There is no way a small farmer can last through the
21 trial and error period of time that will be necessary to
22 weed out those of the common problems that don't work out.

23 The "Well that didn't work, let's try this
24 approach" that is advocated by those who have nothing to
25 lose will surely break me. And one final thing as an

Page 135

1 addendum to what I have here, if we don't get the water to
2 the people, the people are going to come to the water.

3 Thank you.

4 THE HEARING OFFICER: Thank you.

5 I understand Miss Loy is no longer here. Jim
6 Nielson.

7 We are getting written comments from Senator
8 Nielson and that completes the presentations tonight.

9 I want to thank everyone for being so succinct
10 and so eloquent and presenting so much in so short a time.

11 Thank you very much.

12
13 (Whereupon the Public Hearing recessed at 10:55 p.m.)

14 ---oOo---

Page 136

1 STATE OF CALIFORNIA }
2 COUNTY OF SAN JOAQUIN } ss.

3 I, SUSAN PORTALE, Certified Shorthand

4 Reporter of the State of California, do hereby certify:

5 That on the 27th day of May, 1998,
6 at the hour of 7:00 o'clock p.m. thereof, I transcribed
7 said CALFED BAY-DELTA PROGRAM PUBLIC HEARING; that the
8 foregoing and following of said Public Hearing is a full,
9 true and correct transcript of all proceedings had and
10 testimony given.


11
12
13
14
15
16
17
18 Certified Shorthand Reporter in and for the
County of San Joaquin, State of California

19
20
21 * QUALITY COMPUTERIZED TRANSCRIPTION *
22 * -by- *
23 * PORTALE & ASSOCIATES DEPOSITION REPORTERS *
24 * 211 East Weber Avenue *
25 * Stockton, California 95202 *
* (209) 462-3377 *
* SUSAN PORTALE, CSR NO. 4095 *

1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF SAN JOAQUIN)

4 I, SUSAN PORTALE, Certified Shorthand
5 Reporter of the State of California, do hereby certify:

6 That on the 27th day of May, 1998,
7 at the hour of 7:00 o'clock p.m. thereof, I transcribed
8 said CALFED BAY-DELTA PROGRAM PUBLIC HEARING; that the
9 foregoing and following of said Public Hearing is a full,
10 true and correct transcript of all proceedings had and
11 testimony given.
12
13
14
15
16
17
18
19
20


Certified Shorthand Reporter in and for the
County of San Joaquin, State of California

21 * QUALITY COMPUTERIZED TRANSCRIPTION *
22 * -by- *
23 * PORTALE & ASSOCIATES DEPOSITION REPORTERS *
24 * 211 East Weber Avenue *
25 * Stockton, California 95202 *
* (209) 462-3377 *
* SUSAN PORTALE, CSR NO. 4095 *

PORTALE & ASSOCIATES (209) 462-3377